



Subject:	Application for the Grant of a Seven-Day Annual Entertainments Licence with Previous Convictions - Fitzgerald's Bar, 123-127 New Lodge Road
Date:	17th May, 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"/>
Some time 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/Summary of main Issues			
1.1	<p>To consider, in accordance with the Local Government Miscellaneous Provisions (NI) Order 1985 (the Order), if the Council wishes to refuse an application for an Entertainments Licence where the applicant has been convicted of an offence.</p> <table><tr><td>Premises and Location Fitzgerald's Bar, 123-127 New Lodge Road Belfast, BT15 2BX</td><td>Ref. No. WK/201601686</td><td>Applicant Mr Stephen Mailey Dicey Reilly's Limited 123-127 New Lodge Road Belfast, BT15 2BX</td></tr></table>	Premises and Location Fitzgerald's Bar, 123-127 New Lodge Road Belfast, BT15 2BX	Ref. No. WK/201601686	Applicant Mr Stephen Mailey Dicey Reilly's Limited 123-127 New Lodge Road Belfast, BT15 2BX
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1.2	<p>Members are advised that when considering applications, the Council may refuse an Entertainments Licence because the applicant has been convicted of an offence under the Order within the period of five years immediately preceding the date when the application was made.</p>			

1.3	As a result of previous convictions, the applicant is now required to appear before the Committee and convince Members as to why their application for an Entertainments Licence should not be refused.
2.0	Recommendations
2.1	Taking into account the information presented and any representations received you are required to consider the application in light of the recent legal proceedings and determine if you wish to refuse the 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"> 1. approve the application for the grant of the Seven-Day Annual Entertainments Licence, or 2. approve the application for the grant of the Seven-Day Annual Entertainments Licence with special conditions.
2.3	If the application is refused, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the Recorders Court. The applicant may also appeal any special conditions attached to the Entertainments Licence.
3.0	Main Report
	<u>Key Issues</u>
3.1	The matter is being placed before Committee because the applicant, Mr. Stephen Mailey, Director of Dicey Reilly's Limited and the Manager of the premises, Ms. Aileen Campbell have been convicted of offences under the Order at Belfast Magistrates Court on 4th March, 2014 and 29th November, 2016 respectively.
3.2	Each of the convicted offences were for holding indoor entertainment on the premises without an Entertainments Licence being in place. The details of each offence are as follows: First Conviction
3.3	The first conviction, on 4th March 2014, arose when indoor entertainment was found to be taking place on the premises on 18th May and 30th November, 2013 without an Entertainments Licence being in place.
3.4	As a result, both Mr. Mailey and Ms. Campbell were fined a total of £400 (£200 for each offence with a £15 offender levy for each defendant). They were also ordered to pay court costs totalling £207 (£138 and £69). Second Conviction
3.5	The second conviction, on 29 November 2016, arose when indoor entertainment was again found to be taking place on the premises on 19th June 2016 without an Entertainments Licence being in place.
3.6	As a result, Mr. Mailey was given a conditional discharge and Ms Campbell was fined £250. They were also ordered to pay court costs of £69.

3.7	<p>Following each of these offences, officers met with both Ms. Campbell and Mr. Mailey to explain our application process and requirements in order to be granted an Entertainments Licence. They were also advised that they were not permitted to hold entertainment on the premises until a valid Entertainments Licence was granted.</p> <p>Third proceeding</p>
3.8	<p>However, despite these repeated warnings and advice, a further case was brought before Belfast Magistrates Court on 9th May 2017 for two additional offences, when they were again found to be holding indoor entertainment on the premises on 30th October and 9th December 2016 without an Entertainments Licence being in place.</p>
3.9	<p>On this occasion, their solicitors entered a guilty plea to the court in respect of the case against Ms Campbell, Mr. Mailey and the applicant company, Dicey Reilly's Limited. Judge Nixon adjourned the case until 16th May for another Judge to deal with the sentencing.</p>
3.10	<p>We will, therefore, provide you with an oral update of the outcome of the prosecution at your meeting to allow you to make an informed decision on the matter and application.</p>
3.11	<p>Members are advised that the premises previously held an Indoor Entertainments Licence which expired on 31st March 2012. However, this was under the control of a different licensee.</p>
3.12	<p>Over the course of our involvement with the premises and legal action taken, we made repeated requests to the applicant to make an application for an Entertainments Licence for the premises. However, despite previous applications being made and reminders requested, they were never completed.</p> <p><u>Premises</u></p>
3.13	<p>Currently, the premises operate as a public house with ground and first floor bar areas. The applicant has applied to provide entertainment in both locations and Officers are currently working with the applicant regarding the appropriate occupancy for the respective areas applied for.</p>
3.14	<p>A copy of the application form is attached at Appendix 1.</p>
3.15	<p>The applicant has applied for entertainment to be provided during the following days and hours:</p> <ul style="list-style-type: none">• Monday to Saturday: 11.30 pm to 1.00 am• Sunday: 12.30 pm to Midnight
3.16	<p>A location map is attached at Appendix 2.</p> <p><u>Representations</u></p>
3.17	<p>Public notice of the application has been placed and no written representations have been lodged as a result of the advertisement.</p> <p><u>PSNI</u></p>
3.18	<p>The PSNI has been consulted and has confirmed that it has no objections to the application. A copy of its correspondence is attached at Appendix 3.</p>

	<p><u>Health, Safety and Welfare Inspections</u></p> <p>3.19 Officers have met with the applicant, following the offences, to discuss how the premises should be managed. At these meetings, officers have explained the procedures for the grant of an Entertainments Licence and provided advice on fire safety procedures and measures that should be in place for safe evacuation should an emergency situation occur.</p> <p><u>NIFRS</u></p> <p>3.20 The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and has confirmed that it has no objection.</p> <p><u>Noise Issues</u></p> <p>3.21 The Environmental Protection Unit (EPU) has been consulted in relation to the application and haS confirmed that no complaints have ever been received relating to noise break out from the premises or due to patron dispersal.</p> <p><u>Applicant</u></p> <p>3.22 The applicant has been made aware of the concerns raised by the Committee regarding the level of fines imposed by the Court and the new procedure you have adopted to give Members the opportunity to seek assurances as to why their application for an Entertainments Licence should not be refused.</p> <p>3.23 As a result, they have been invited to attend your meeting to answer any queries you may have in relation to the future management of the premises.</p> <p><u>Financial and Resource Implications</u></p> <p>3.24 Officers carry out during performance inspections on premises providing entertainment which is catered for within existing budgets.</p> <p><u>Equality and Good Relations Implications</u></p> <p>3.25 There are no equality or good relations issues associated with this report.</p>
<p>4.0</p>	<p>Documents Attached</p>
	<p>Appendix 1 – Application Form</p> <p>Appendix 2 – Location Map</p> <p>Appendix 3 – PSNI Correspondence</p>