



Subject:	Application for the Variation of a 7-Day Annual Outdoor Entertainments Licence for Thompson's Garage, 3 Patterson's Place
Date:	18th October, 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

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

1.0	Purpose of Report or Summary of main Issues						
1.1	<p>To consider an application for the variation of the 7-Day Annual Outdoor Entertainments Licence for Thompsons Garage based on the Council's standard conditions to provide outdoor musical entertainment.</p> <table><tr><td>Premises and Location</td><td>Ref. No.</td><td>Applicant</td></tr><tr><td>Thompsons Garage 3 Patterson's Place Belfast BT1 4GW</td><td>WK/201601621</td><td>Mr Stephen Boyd Endless Music Limited 41 Downshire Road Belfast, BT6 9JL</td></tr></table>	Premises and Location	Ref. No.	Applicant	Thompsons Garage 3 Patterson's Place Belfast BT1 4GW	WK/201601621	Mr Stephen Boyd Endless Music Limited 41 Downshire Road Belfast, BT6 9JL
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Thompsons Garage 3 Patterson's Place Belfast BT1 4GW	WK/201601621	Mr Stephen Boyd Endless Music Limited 41 Downshire Road Belfast, BT6 9JL					
1.2	A copy of the application form is attached as Appendix 1.						

1.3	The nature of the variation is to increase the occupancy of the outdoor area from 104 persons to 185 persons.
1.4	A location map is attached as Appendix 2.
2.0	<u>Recommendations</u>
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 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 variation of the 7-Day Annual Outdoor Entertainments Licence, or 2. Approve the application for the variation of the 7-Day Annual Outdoor Entertainments Licence with special conditions.
2.3	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 Recorders Court.
2.4	Should the Committee decide to refuse the variation application, and the applicant decides to appeal, the licence will continue with its present conditions until the Appeal is determined.
3.0	Main report
3.1	<p><u>Key Issues</u></p> <p>Members will recall that, at your meeting of 17 May 2017, the Committee agreed to grant the applicant a Seven-Day Annual Outdoor Entertainments Licence for the premises. This was subsequent to the Committee agreeing to grant the renewal of the indoor Entertainments Licence at your meeting of 19 April 2017.</p> <p><u>Details of the Premises and Proposals</u></p> <p>3.2 The areas currently licensed to provide entertainment are:</p> <ul style="list-style-type: none"> • Ground Floor Bar, with a maximum capacity of 240 persons. • Mezzanine Floor, with a maximum capacity of 190 persons. • Outdoor Area, with a maximum capacity of 104 persons. <p>3.3 The days and hours during which the premises are currently licensed to provide indoor entertainment are:</p> <ul style="list-style-type: none"> • Monday to Sunday: 11.30 am to 3.00 am the following morning. <p>3.4 The premise operates as a public bar and nightclub with entertainment being provided on both floors in the form of DJs.</p>

3.5	<p>The days and hours during which the premises are currently licensed to provide outdoor entertainment are:</p> <ul style="list-style-type: none"> • Monday to Saturday 11.30 am to 11.00 pm, and • Sunday 12.30 pm to 11.00 pm.
3.6	<p>Entertainment is provided to the outdoor area in the form of solo performers, live bands or a DJ through the in-house speaker system.</p>
3.7	<p>Extensive works have been carried out to the outdoor area which includes the addition of a 1st floor balcony and toilet facilities. This allows patrons to smoke in the private area provided. Previously patrons used a smoking area on Patterson's Place which caused some management and anti-social behaviour problems.</p>
3.8	<p>The applicant has applied to vary the existing Outdoor Entertainments Licence to increase the occupancy of the outdoor area from 104 persons to 185 persons.</p>
3.9	<p>The areas proposed to provide entertainment are:</p> <ul style="list-style-type: none"> • Outdoor Area, with a maximum capacity of 150 persons. • Outdoor Balcony, with a maximum capacity of 35 persons.
3.10	<p>Members are advised that the maximum indoor occupancy for the premise of 430 persons will be managed in conjunction with the agreed maximum occupancy of the outdoor area to ensure numbers do not exceed capacity.</p>
3.11	<p>The outdoor area is covered by the existing Liquor Licence. A layout plan of the proposed outdoor area is attached as Appendix 3.</p>
	<p><u>Previous convictions</u></p>
3.12	<p>The application is being placed before the Committee because both Mr Stephen Boyd and Endless Music Limited were convicted of offences under the Local Government (Miscellaneous Provisions) (NI) Order 1985 at Belfast Magistrates' Court, on two separate occasions, i.e. 13 May 2014 and 24 May 2016.</p>
	<p>First Conviction</p>
3.13	<p>The first conviction on 13 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>
3.14	<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>Second Conviction</p>
3.15	<p>The second conviction on 24 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>
3.16	<p>As a result, Endless Music Limited were fined £750 and ordered to pay court costs of £66.</p>

3.17	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.
3.18	Members may recall that details of the first conviction was brought to your attention previously and both convictions were considered at your meetings in April and May this year in relation to the application for the renewal of the Indoor Entertainments Licence and the grant of the Outdoor Entertainments Licence and, after consideration, you agreed to grant both licences.
3.19	The applicant and/or his representatives will be available to discuss any matters relating to the application at your meeting.
<u>Representations</u>	
3.20	Notice of the application has been advertised and no written representation has been lodged.
<u>PSNI</u>	
3.21	The PSNI has been consulted and confirmed that they have no objections to the application. A copy of their correspondences is attached as Appendix 4.
<u>NIFRS</u>	
3.22	The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and confirmed that they have no objections to the application.
<u>Health, safety and welfare inspections</u>	
3.23	In support of this application, the applicant has employed the services of fire engineering consultants and provided plans confirming how the migration of patrons will be managed between the relevant areas.
3.24	Members are advised that Officers have carried out a total of four During Performance Inspections over the past 12 months. On each occasion, all technical matters were satisfactory and appropriate measures and management procedures were being implemented effectively.
3.25	The premise has also been subject to inspections as part of the licensing application renewal process. As a result, all technical requirements and associated operational and management procedures have been checked and are satisfactory.
3.26	The premises will continue to be inspected as part of our During Performance Inspection regime and will be subject to further monitoring to ensure the applicant adheres to their licence conditions.
<u>Noise issues</u>	
3.27	The Council's Environmental Protection Unit (EPU) were consulted as part of the grant application for the Outdoor Entertainments Licence and a special condition was included on the Entertainments Licence requiring the applicant to maintain a noise monitoring logbook to ensure compliance with the agreed music noise level of 79dB _{L_{Aeq5minutes}} and to keep a regular check on volume levels at noise sensitive facades when outdoor entertainment is being provided.

<p>3.28</p> <p>3.29</p> <p>3.30</p>	<p>The Environmental Protection Unit (EPU) has been further consulted in relation to this variation application and confirmed that it has received no noise complaints since the Outdoor Entertainments Licence was granted in May this year.</p> <p><u>Financial and Resource Implications</u></p> <p>Officers carry out during performance inspections on premises providing entertainment but this is catered for within existing budgets.</p> <p><u>Equality and Good Relations Implications</u></p> <p>There are no equality or good relations issues associated with this report.</p>
<p>4.0</p>	<p>Appendices – Documents Attached</p>
	<ul style="list-style-type: none"> • Appendix 1 – Application Form • Appendix 2 – Location map • Appendix 3 – Plans of the Outdoor Area • Appendix 4 – PSNI Correspondence