



Subject:	Application for the Variation of a 7-Day Annual Entertainments Licence for The Cuckoo, 149 Lisburn Road
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 <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 or Summary of main Issues						
1.1	<p>To consider an application for the variation of the 7-Day Annual Indoor Entertainments Licence for The Cuckoo, based on the Council's standard conditions to provide indoor music, singing, dancing or any other entertainment of a like kind.</p> <table><tr><td>Premises and Location</td><td>Ref. No.</td><td>Applicant</td></tr><tr><td>The Cuckoo 149 Lisburn Road Belfast BT9 7AJ</td><td>WK/201700890</td><td>Mr Jim Crawford Silverpine Inns Limited 149 Lisburn Road Belfast, BT9 7AJ</td></tr></table>	Premises and Location	Ref. No.	Applicant	The Cuckoo 149 Lisburn Road Belfast BT9 7AJ	WK/201700890	Mr Jim Crawford Silverpine Inns Limited 149 Lisburn Road Belfast, BT9 7AJ
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1.2	A copy of the application form is attached as Appendix 1.						
1.3	The nature of the variation is to extend the hours during which entertainment may be provided from 1.00 am to 2.00 am on Wednesday, Friday, Saturday and Sunday mornings.						

<p>1.4</p> <p>1.5</p> <p>1.6</p>	<p>Members are reminded that the normal process for dealing with Entertainments Licence applications which are not the subject of objections is that the Director of Planning and Place will grant the licence as provided for in the Council’s Scheme of Delegation.</p> <p>However, in light of the fact that the applicant has applied for a variation to extend the hours of entertainment beyond 1.00 am, the application is being presented to you for your consideration.</p> <p>A location map is attached as Appendix 2.</p>
<p>2.0</p>	<p>Recommendations</p>
<p>2.1</p> <p>2.2</p> <p>2.3</p>	<p>Taking into account the information presented and representations received in respect of the application you are required to make a decision to either:</p> <ol style="list-style-type: none"> 1. Approve the application for the variation of the 7-Day Annual Indoor Entertainments Licence, or 2. Approve the application for the variation of the 7-Day Annual Indoor Entertainments Licence with special conditions, or 3. Refuse the application for the variation of the 7-Day Annual Indoor Entertainments Licence. <p>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 County Court.</p> <p>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.</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>The areas currently licensed to provide indoor entertainment are the:</p> <ul style="list-style-type: none"> • Ground Floor, with a maximum capacity of 300 persons. • First Floor, with a maximum capacity of 200 persons. <p>The days and hours during which the premises are currently licensed to provide entertainment are:</p> <ul style="list-style-type: none"> • Monday to Saturday: 11.30 am to 1.00 am the following morning, and • Sunday: 12.30 pm to 0.00 midnight <p>The premises operates as a public house with entertainment currently provided in the form of DJ’s and live band performances.</p> <p>The days and hours during which the applicant proposes to provide entertainment are:</p> <ul style="list-style-type: none"> • Monday and Wednesday: 11.30 am to 1.00 am the following morning, and • Tuesday, Thursday, Friday and Saturday: 11.30 am to 2.00 am the following morning,

- Sunday: 12.30 pm to midnight.

Reasons for the Variation

3.5 The applicant has stated the main reason they wish to extend the hours of entertainment is to compete with other premises in the City.

3.6 On the nights applied for the applicant claims there is a noticeable exodus from the premises around midnight and their patrons move on to other premises licensed to operate until 2.00am and beyond. They state customers will go elsewhere if they believe they are getting better value for money.

3.7 The applicant also conducted some market research when they took over the premises which helped them identify areas for improvement. 78% of respondents stated that the fact the bar was only open to 1.00 am would make them go elsewhere.

3.8 The applicant appreciates the proximity of residents to the Cuckoo and has highlighted a number of measures they are willing to carry out, such as:

- Meeting with residents and associations to discuss any concerns they might have about the premises and/or antisocial behaviour that the extra hour might cause.
- Providing a direct point of contact to residents with a personal telephone number and be on call for any comments or queries they may have throughout the year.
- Providing extra security and/or extend the security hours so they do not finish as soon as the premises is cleared but will remain until customers are clear of the surrounding area after closing.
- Considering that a Security / Resident Liaison be hired at their expense who would be responsible for ensuring that there is no antisocial behaviour on the way down the Lisburn Road from the premises.

3.9 A copy of the applicant's submission is appended to this report as Appendix 3.

Representations

3.10 Notice of the application has been advertised and no written representations have been lodged.

PSNI

3.11 The Police Service of Northern Ireland has been consulted in relation to the application and confirmed that they have no objections to the application. A copy of their response is attached as Appendix 4.

NIFRS

3.12 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.

Health, Safety and Welfare Issues

3.13 A total of two during performance inspections have been carried out on the premises by Officers from the Service since the last renewal. The premises has also been subject to inspections as part of the licensing process.

<p>3.14</p> <p>3.15</p> <p>3.16</p> <p>3.17</p> <p>3.18</p> <p>3.19</p> <p>3.20</p> <p>3.21</p> <p>3.22</p> <p>3.23</p>	<p>The inspections revealed that the conditions of the Entertainments Licence were being adhered to and all operational and management procedures were being implemented effectively.</p> <p>The premises will continue to be inspected as part of our During Performance Inspection regime to ensure the applicant adheres to their licence conditions.</p> <p><u>Applicant</u></p> <p>The applicant, and/or their representatives, will be available at your meeting to answer any queries you may have in relation to the application.</p> <p><u>Noise Issues</u></p> <p>The Environmental Protection Unit (EPU) has been consulted in relation to the application and confirmed that it has received a total of four noise complaints in the last 12 months. Three of the complaints were regarding patron noise and the other was regarding loud music emanating from the premises.</p> <p>Officers of the Night Time Noise Team called at the premises for one of the complaints regarding loud music but due to the team dealing with a large number of complaints on that night, they were under pressure and unable to visit the premises until after it was closed. Therefore, no noise was witnessed.</p> <p>The other three complainants requested to report that they were being disturbed by patrons leaving the premises and wanted no further action and advice was given regarding the Night Time Noise Service and Building Control.</p> <p>EPU have further advised that should the Committee be of the mind to grant the variation application that they would be keen for the applicant to have in place appropriate measures to manage patrons leaving the premises and to encourage them to respect residents in the area.</p> <p>The EPU report outlining the complaints is attached as Appendix 5.</p> <p><u>Financial & 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 or 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 – Copy of the Application Form • Appendix 2 – Location Map • Appendix 3 – Rationale submission from the applicant • Appendix 4 – PSNI response • Appendix 5 – EPU Report