



Subject:	Consideration of Entertainments Licences where the applicant has been convicted of an offence
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	To consider applications for Entertainments Licences where the applicant has been convicted of an offence under the Local Government Miscellaneous Provisions (NI) Order 1985 (the Order) within the previous five years.
2.0	Recommendations
2.1	Taking into account the information presented, you are required to consider the applications and to:- <ol style="list-style-type: none">1. Approve the applications, or2. Should you be of a mind to refuse any of the applications, or approve any applications with additional special conditions, an opportunity of appearing before and of being heard by the Committee must be given to the applicants.

3.0	Main report															
	<p data-bbox="272 226 427 255"><u>Key Issues</u></p> <p data-bbox="165 293 1469 389">3.1 Members are reminded that the normal process for dealing with Entertainments Licence applications which are not the subject of objections is that the licence will be granted as provided for in the Council's Scheme of Delegation.</p> <p data-bbox="165 427 1469 524">3.2 However, as each applicant has been found guilty of committing an offence within five years of the application for a licence being submitted to the Council, you are required to consider the following applications.</p> <table border="1" data-bbox="272 562 1458 1384"> <thead> <tr> <th data-bbox="272 562 579 678">Premises and Location</th> <th data-bbox="579 562 791 678">Applicant</th> <th data-bbox="791 562 979 678">Application Type</th> <th data-bbox="979 562 1230 678">Offence Details</th> <th data-bbox="1230 562 1458 678">Date of Conviction & Penalty</th> </tr> </thead> <tbody> <tr> <td data-bbox="272 678 579 947"> <p data-bbox="300 745 552 775">Flame Restaurant</p> <p data-bbox="304 813 547 880">46 Howard Street, Belfast, BT1 6PG</p> </td> <td data-bbox="579 678 791 947"> <p data-bbox="624 779 746 846">Charlotte Smyth</p> </td> <td data-bbox="791 678 979 947"> <p data-bbox="826 797 943 826">Renewal</p> </td> <td data-bbox="979 678 1230 947"> <p data-bbox="1070 719 1139 775">July 2014</p> <p data-bbox="1010 813 1201 909">Entertainment without a Licence</p> </td> <td data-bbox="1230 678 1458 947"> <p data-bbox="1249 730 1437 797">3rd February 2015</p> <p data-bbox="1249 831 1437 898">£150 and £69 Court costs</p> </td> </tr> <tr> <td data-bbox="272 947 579 1384"> <p data-bbox="328 1104 523 1133">Red Devil Bar</p> <p data-bbox="300 1171 552 1238">194-198 Falls Road Belfast, BT12 6AG</p> </td> <td data-bbox="579 947 791 1384"> <p data-bbox="608 1122 762 1218">EMC Properties (NI) Limited</p> </td> <td data-bbox="791 947 979 1384"> <p data-bbox="826 1155 943 1184">Renewal</p> </td> <td data-bbox="979 947 1230 1384"> <p data-bbox="1031 987 1179 1043">November 2012</p> <p data-bbox="994 1081 1214 1350">Locked roller shutter on a final exit and the Log book for pre-event checks was unavailable for inspection.</p> </td> <td data-bbox="1230 947 1458 1384"> <p data-bbox="1249 1088 1437 1155">11th February 2014</p> <p data-bbox="1249 1189 1437 1256">£500 and £69 Court costs</p> </td> </tr> </tbody> </table> <p data-bbox="165 1424 1469 1520">3.3 Notwithstanding the possibility of refusing an Entertainments Licence on any other grounds, the Council may refuse an application on the grounds that the applicant has been convicted of an offence under the Order.</p> <p data-bbox="272 1559 544 1588"><u>Application history</u></p> <p data-bbox="165 1626 1469 1693">3.4 Previous applications for the aforementioned premises were considered by the Committee as follows:</p> <p data-bbox="272 1731 523 1760">Flame Restaurant</p> <p data-bbox="165 1760 1469 1895">3.5 This is the fourth time an application for the premises has been considered since the offence took place. Previous applications have been brought before the Licensing Committee on 17 September 2014, 21 October 2015 and 17 August 2016 and, after consideration, you agreed to grant the licence.</p> <p data-bbox="165 1928 1469 1995">3.6 Members are advised that the initial grant application was brought before the Licensing Committee on 17 September 2014 when the applicant was still the subject of the</p>	Premises and Location	Applicant	Application Type	Offence Details	Date of Conviction & Penalty	<p data-bbox="300 745 552 775">Flame Restaurant</p> <p data-bbox="304 813 547 880">46 Howard Street, Belfast, BT1 6PG</p>	<p data-bbox="624 779 746 846">Charlotte Smyth</p>	<p data-bbox="826 797 943 826">Renewal</p>	<p data-bbox="1070 719 1139 775">July 2014</p> <p data-bbox="1010 813 1201 909">Entertainment without a Licence</p>	<p data-bbox="1249 730 1437 797">3rd February 2015</p> <p data-bbox="1249 831 1437 898">£150 and £69 Court costs</p>	<p data-bbox="328 1104 523 1133">Red Devil Bar</p> <p data-bbox="300 1171 552 1238">194-198 Falls Road Belfast, BT12 6AG</p>	<p data-bbox="608 1122 762 1218">EMC Properties (NI) Limited</p>	<p data-bbox="826 1155 943 1184">Renewal</p>	<p data-bbox="1031 987 1179 1043">November 2012</p> <p data-bbox="994 1081 1214 1350">Locked roller shutter on a final exit and the Log book for pre-event checks was unavailable for inspection.</p>	<p data-bbox="1249 1088 1437 1155">11th February 2014</p> <p data-bbox="1249 1189 1437 1256">£500 and £69 Court costs</p>
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	<p>aforementioned legal proceedings. After consideration Members agreed to grant the application despite the fact that legal proceedings were ongoing.</p>
3.7	<p>Since the previous renewal the premises have been subject to one during performance inspection as well as the annual renewal inspection and we have found that management procedures are being implemented effectively.</p>
	<p>Red Devil Bar</p>
3.9	<p>This is also the fourth time an application for the premises has been considered since the applicant was convicted on 11 February 2014. Previous applications have been brought before the Licensing Committee on 17 September 2014, 21 October 2015 and 19 October 2016 and, after consideration, you agreed to renew the licence in each case.</p>
3.10	<p>Since the previous renewal, the premises have been subject to one during performance inspection as well as the annual renewal inspection and we have found that management procedures are also being implemented effectively.</p>
	<p><u>Representations</u></p>
3.11	<p>Public notice of the applications has been placed and no written representations have been lodged as a result of the advertisements.</p>
	<p><u>PSNI</u></p>
3.12	<p>The PSNI has been consulted and has confirmed that they have no objections to the applications. A copy of their correspondences is attached as Appendix 1.</p>
	<p><u>NIFRS</u></p>
3.13	<p>The Northern Ireland Fire Rescue Service has been consulted in relation to each of the applications and confirmed that they have no objections.</p>
	<p><u>Applicants</u></p>
3.14	<p>The applicants and/or their representatives will be available at your meeting to answer any queries you may have in relation to their applications. Copies of the respective application forms for the premises are attached as Appendix 2.</p>
	<p><u>Financial and Resource Implications</u></p>
3.15	<p>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>
3.16	<p>There are no equality or good relations issues associated with this report.</p>
4.0	<p>Appendices – Documents Attached</p>
	<ul style="list-style-type: none"> • Appendix 1 – Application Forms • Appendix 2 – PSNI Correspondence