



Subject:	Application for the Renewal of an Annual Indoor Entertainments Licence - Hawthorn Bar, 1-3 Hawthorn Street
Date:	13th December 2017
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Patrick Cunningham, 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 an application for the renewal of a Seven-Day Annual Indoor Entertainments Licence for the Hawthorn Bar based on the Council's standard conditions to provide 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>Hawthorn Bar, 1- 3 Hawthorn Street, Belfast, BT12 7AQ</td><td>WK/201701273</td><td>Mr. Philip McCann, 84 Glen Road, Belfast, BT11 8BU</td></tr></table>	Premises and Location	Ref. No.	Applicant	Hawthorn Bar, 1- 3 Hawthorn Street, Belfast, BT12 7AQ	WK/201701273	Mr. Philip McCann, 84 Glen Road, Belfast, BT11 8BU
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1.2	Members are reminded that objections were received from local residents regarding the initial grant application. However, in the lead up to your meeting on 15th March 2017, an agreement was reached between all parties that the objections would be withdrawn, subject						

7. the licensee will provide residents with a direct point of contact and the contact number of the person responsible for managing door staff;
8. the licensee will erect and maintain signage inside the premises and in the rear external area requesting patrons to respect local residents and keep noise levels to a minimum;
9. the licensee will ensure compliance with the requirements of the Noise Report, to the satisfaction of the Council, and the Entertainments Licence will be issued only when all technical matters have been addressed; and
10. taxi notices will be kept and maintained on the premises and will warn patrons and taxi firms that undue noise or disturbance will not be permitted and that the licensee shall take such action, including legal action, if necessary, to enforce that requirement.

Representations

3.4 As a result of the application to renew the licence both the original objectors and the PSNI initially advised that they wished to object to the application. Several meetings have been held with all parties and both the PSNI and the residents have confirmed that they wish to withdraw their objections.

Objectors Representations

3.5 A letter, signed by a number of residents of the area, has been received and a general summary of their representation is listed below including:

- serious concerns about the operation and management of the premises, which has caused serious distress for many years, given the fact the bar is located in a highly populated residential area;
- regular complaints have been made to PSNI and Belfast City Council in relation to the unacceptable level of noise in a built up residential area from noisy patrons, amplified music and taxi horns;
- concerns regarding the applicant complying with the law relating to the Liquor Licence and Entertainments Licence as they have been complaining that patrons have been drinking in the bar beyond their permitted hours;
- witnessing anti-social behaviour, public urination, alcohol consumption and sexual acts within the alleyways;
- residents have been subjected to verbal abuse and foul language from staff; and
- Concerns regarding vermin, rubbish and storage in the alleyway.

3.6 The letter also makes reference to the premises Liquor Licence and applications which Mr. McCann has made to the Court to renew the licence and to extend the permitted hours to 1.00 a.m., under Article 44 of the Licensing (NI) Order 1996. A copy is attached at Appendix3

PSNI

3.7 The PSNI initially objected following inspections of the premises which found that the applicant was allegedly operating without a Liquor Licence after failing to renew his Liquor Licence. This is currently being investigated by the PSNI. A copy of its response is attached at Appendix 4.

3.8 Police Officers will be available at your meeting to answer any queries you may have in relation to the application.

Liaison meetings

3.9 As stated, several meetings have taken place since Committee granted the premises an Entertainments Licence. The meetings were attended by PSNI, objectors and the applicant. One of the meetings was also attended by Councillor Tim Attwood.

3.10 An agreement has been negotiated and an Action Plan developed, which all parties have signed up to. The Action Plan is based on a number of the previous conditions, together with additional conditions the PSNI and residents have requested to be included.

Agreement

3.11 The applicant has confirmed that he is willing to agree to the Action Plan and to the following conditions being attached to the terms and conditions of his Entertainments Licence. A copy of the Action Plan is attached at Appendix 5.

1. The licensee must attend meetings, as and when required, with the PSNI and representative groups drawn from local residents, chaired by the Council, to discuss issues relating to Entertainments Licensing;
2. The licensee must install and maintain a suitable CCTV system both internally and externally to the premises. The position of cameras must be in agreement with the PSNI and any footage must also be made available to them and/or the Council should it be required;
3. The licensee must maintain signage internally and externally to the premises and provide announcements at the end of the night asking patrons to respect the residents in the area and keep noise to a minimum when leaving;
4. The licensee must ensure that noise from entertainment and patrons does not cause unreasonable disturbance to residents in the neighbourhood;
5. The licensee or a nominated responsible person shall be available during the whole time that the premises is open to the public, and shall be assisted by sufficient staff;
6. Taxi notices must be maintained on the premises. The notices shall contain a warning to patrons and taxi firms that undue noise or disturbance will not be permitted and that the licensee shall take such action, including legal action if necessary to enforce that requirement;
7. The licensee must regularly and proactively clean around the perimeter of the premises and ensure they cause no obstruction within the rear alleyways;
8. The licensee must ensure patrons do not carry opened or unopened bottles or glasses off the premises at any time;
9. The licensee must ensure bottles and glasses are not disposed of by staff at closing times;
10. The licensee must maintain a regular point of contact for residents to relay any concerns they may have;
11. Shutters outside final exit doors to be secured in open position to ensure that they will not impede escape; and
12. All doors on means of escape to be free from restrictive fastenings other than panic bolt type mechanisms.

	<p><u>Committee Protocol</u></p> <p>3.12 As a result of the negotiations and the development of the Action Plan, both the objectors and PSNI have withdrawn their objections.</p> <p>3.13 The applicant and/or their representatives will be available at your meeting along with a delegation of objectors should you have any queries in relation to the application.</p> <p><u>Health, Safety and Welfare Issues</u></p> <p>3.14 A total of four during performance inspections have been carried out on the premises by Officers from the Service since your meeting on 15 March 2017. The inspections included monitoring and observations outside the premises. On each of these occasions no entertainment was taking place.</p> <p>3.15 As part of the renewal application process an inspection was carried out and all technical requirements and associated operational and management procedures were found to be satisfactory. The inspection also verified that noise measures previously stipulated are being managed effectively.</p> <p><u>NIFRS</u></p> <p>3.16 The Northern Ireland Fire Rescue Service has confirmed that it has no objection to the Entertainments Licence being renewed.</p> <p><u>Noise Issues</u></p> <p>3.17 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 since your meeting on 15 March 2017. The complaints were received over two separate nights and related to loud entertainment music and patron voices from the premises.</p> <p>3.18 The Noise Team responded to two of the complaints and on both occasions the bar was closed and no noise was witnessed. On the other two occasions, the Noise Team were unable to respond to the other complaints received due to their workload and time constraints. Officers of the Building Control Service followed up with all parties thereafter.</p> <p><u>Financial and Resource Implications</u></p> <p>3.20 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>3.21 There are no equality or good relations issues associated with this report.</p>
4.0	Documents Attached
	<p>Appendix 1 – Minute of meeting of 15th March Appendix 2 – Location Map Appendix 3 – Letter of objection from residents Appendix 4 – PSNI Correspondence Appendix 5 – Copy of Action Plan</p>