



Subject:	Applications for the Grant of Annual Indoor and Outdoor Entertainments Licences with Previous Convictions - South 13, Boucher Road
Date:	17th January, 2018
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"/>
Sometime 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 applications for the grant of a Seven-Day Annual Indoor Entertainments Licence and a Seven-Day Annual Outdoor Entertainments Licence for the former B&Q building, now known as South 13, based on the Council's standard conditions to provide indoor music, singing, dancing or any other entertainment of a like kind, theatrical performances and outdoor musical entertainment.</p> <table><tr><td>Premises and Location</td><td>Ref. No.</td><td>Applicant</td></tr><tr><td>South 13</td><td>WK/201602847</td><td>Mr. Gary Flynn</td></tr><tr><td>Boucher Road</td><td>WK/201602844</td><td>T13Belfast Limited</td></tr><tr><td>Belfast, BT12 6HR</td><td></td><td>Boucher Road</td></tr><tr><td></td><td></td><td>Belfast, BT12 6HR</td></tr></table>	Premises and Location	Ref. No.	Applicant	South 13	WK/201602847	Mr. Gary Flynn	Boucher Road	WK/201602844	T13Belfast Limited	Belfast, BT12 6HR		Boucher Road			Belfast, BT12 6HR
Premises and Location	Ref. No.	Applicant														
South 13	WK/201602847	Mr. Gary Flynn														
Boucher Road	WK/201602844	T13Belfast Limited														
Belfast, BT12 6HR		Boucher Road														
		Belfast, BT12 6HR														

1.2	Copies of the application forms are attached at Appendix 1.
1.3	A location map is attached at Appendix 2.
1.4	Under the terms of the Local Government Miscellaneous Provisions (NI) Order 1985, in considering any application for the grant, renewal, or transfer of an Entertainments Licence, the Council must have regard to any conviction of the applicant of an offence under the Order within the period of five years immediately preceding the date when the application was made.
2.0	Recommendations
2.1	Notwithstanding the opportunity to refuse the applications on any other grounds, the Council may refuse an application for an Entertainments Licence on the grounds that the applicant has been convicted of an offence under the Order within the period of 5 years immediately preceding the date when the application was made.
2.2	Taking into account the information presented and any representations received you are required to consider the applications in light of the previous convictions and to: <ol style="list-style-type: none"> 1. approve the applications for the grant of Seven-Day Annual Indoor and Outdoor Entertainments Licences, or 2. approve the applications for the grant of Seven-Day Annual Indoor and Outdoor Entertainments Licences with special conditions, or 3. refuse the applications for the grant of Seven-Day Annual Indoor and Outdoor Entertainments Licences.
2.3	If the applications are 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.
2.4	If you are of a mind to refuse the applications or attach special conditions to the licences within seven days from the date of the Council's decision the applicant will be advised in writing of their right to an opportunity of appearing before and of being heard by the Committee.
3.0	Main Report
	<u>Key Issues</u>
	Previous Convictions
3.1	The applications are being placed before the Committee because the directors of the applicant company are also the directors of a company, No Limat Limited, previously convicted of offences under the Order at Belfast Magistrates Court on 7th May, 2013 and 21st June, 2016. Both offences related to events held at the T13 Complex, Queens Road.
3.2	The conviction on 7th May, 2013 arose following a breach of the Entertainments Licence conditions in that they failed to provide one month's notice to the Council of proposed entertainment involving children. In addition, the applicant failed to provide an Event Management Plan and did not agree the maximum occupancy suitable for the event with the Service. The log book was also not available on the night the event took place to demonstrate that pre-event checks had been carried out.

3.3	As a result, they were fined a total of £200 and ordered to pay court costs of £109 for the offence with a 12-month conditional discharge.
3.4	The conviction on 21st June, 2016 arose following a further breach of the Entertainments Licence conditions in that entertainment was held at the venue beyond 1.00 a.m.; the latest permitted hours of entertainment.
3.5	As a result of that offence, they were fined a total of £100 and ordered to pay court costs of £72.
3.6	Following each of the offences, officers of the Service met with the directors to review their procedures and ensure that appropriate measures were in place to prevent a recurrence. Events held at the T13 Complex since the offences occurred were attended by officers of the Service and we were satisfied that the venue was being managed effectively.
3.7	Subsequent to being convicted of offences under the Order relating to the T13 Complex applications were considered by the Licensing Committee on 22nd January, 2014, 16th September, 2015 and 10th November, 2016 and, after consideration, the Committee agreed to renew the Entertainments Licences on each occasion.
Events considered under delegated authority by Chief Officers	
3.8	Members may be aware that a situation arose whereby the applicant company had permitted an event promoter to market and sell tickets for indoor events at S13 on Wednesday 27th and Thursday 28th December, in advance of an Entertainments Licence being granted.
3.9	Whilst applications for both an Indoor and Outdoor Entertainments Licence were submitted in February 2017, the applicant failed to provide the required supporting documentation in order for an Entertainments Licence to be considered by Committee, despite advice from the Service in this regard.
3.10	In the circumstances where a significant number of tickets had been sold and there being no alternative licensed venues available to re-locate the events to at such a late stage, Chief Officers, in consultation with the Chairperson of the Licensing Committee and Party Group representatives, agreed to grant approval for these two events only. Approval was given on the understanding that no further entertainment could take place until the matter has been considered by the Licensing Committee.
3.11	The situation where the cancellation of an event or events has to be contemplated places Chief Officers in an invidious position of having to make a decision in the absence of Committee approval. The last minute nature of the circumstances also places significant pressure on Building Control staff to assess event safety documentation and ensure all technical requirements are in place for the safe operation of the events.
3.12	Additional work was also undertaken to ensure that noise from patron dispersal and entertainment noise did not cause unreasonable disturbance to persons in the neighbourhood.
3.13	The terms and conditions for the events were provided to the applicant in the form of a letter, a copy of which is attached at Appendix 3.
Consideration by the Licensing Committee	
3.14	Members are required to consider the applications for the grant of a Seven-Day Annual Indoor Entertainments Licence and a Seven-Day Annual Outdoor Entertainments Licence for South 13 by Mr. Gary Flynn of T13Belfast Limited.

3.15	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. However, in light of the fact that the directors of the applicant company have been found guilty of committing an offence within 5 years of the application for the licence being submitted to the Council you are required to consider the applications.
3.16	The area where indoor entertainment is proposed to be provided is the: <ul style="list-style-type: none"> • Ground Floor Main Arena
3.17	The applicant has applied to provide entertainment on the following days and hours: <ul style="list-style-type: none"> • Monday to Sunday: 9.00 a.m. to 1.00 a.m. the following morning.
3.18	The area where outdoor entertainment is proposed to be provided is as follows: <ul style="list-style-type: none"> • Front Car Park
3.19	The standard days and hours for an Outdoor Entertainments Licence are: <ul style="list-style-type: none"> • Monday to Sunday: 11.30 a.m. to 11.00 p.m.
3.20	In addition, the following special conditions are usually attached to Outdoor Licences: <ol style="list-style-type: none"> 1. maximum numbers will be agreed at the discretion of the Building Control Service and will vary depending upon individual concert set up proposals. 2. prior to any event taking place the promoters are required to demonstrate evidence of early consultation and have in place a robust system of dealing with any complaints, which has been agreed in advance with the Council. 3. any requests to provide entertainment later than 11.00 p.m. must be considered by the Licensing Committee and therefore must be made at least 3 months in advance of the proposed event. 4. should an application to provide entertainment beyond 11.00 p.m. be granted and the Council then receive a significant number of complaints regarding noise or the complaint is of such significant impact, authority is granted to the Director of Planning and Place, in consultation with the City Solicitor, to reduce the finishing time for any subsequent nights of the event, in which case the promoter will be required to make contingency arrangements.
3.21	The maximum numbers for the indoor and outdoor areas will be agreed for each event and on assessment of the proposed event set up.
3.22	If Members are of the mind to grant the applications for Indoor and Outdoor Entertainments Licences, officers would request to be given delegated authority to draft appropriate conditions to be attached to each of the licences.
3.23	The applicant proposes to provide entertainment in the form of live bands, DJ's and theatre. During these occasions they will operate a public bar facility via an Occasional Liquor Licence.

3.24	<p>A layout plan of the venue is attached at Appendix 4.</p>
	<p><u>Representations</u></p>
3.25	<p>Notice of the applications has been advertised and no written representations have been lodged.</p>
	<p><u>PSNI</u></p>
3.26	<p>The PSNI has been consulted and has confirmed that it has no objection to the applications. Officers were also included in the discussions and planning for the events held on 27th and 28th December, 2017. A copy of its correspondence is attached at Appendix 5.</p>
	<p><u>Health, Safety and Welfare Inspections</u></p>
3.27	<p>The premises have been subject to inspections as part of the Entertainments Licence application process and Building Regulations application.</p>
3.28	<p>Officers worked with the applicant and event organisers in the lead up to the events held on Wednesday 27th and Thursday 28th December to ensure all documentation and technical requirements were in place.</p>
3.29	<p>Additionally, officers of the Service were present throughout each of the events held and were satisfied that all safety measures and management procedures were in place to protect the public, performers and staff.</p>
	<p><u>NIFRS</u></p>
3.30	<p>The Northern Ireland Fire and Rescue Service has been consulted in relation to the applications and confirmed that they have no objections. It was also included in the discussions and planning for the events held on 27th and 28th December and will be kept informed of any potential future events at the venue.</p>
	<p><u>Noise Issues</u></p>
3.31	<p>To facilitate the events held on 27th and 28th December, a number of terms and conditions were attached to the agreement regarding the management of noise.</p>
3.32	<p>These provisions proved effective and no complaints were received regarding the December events.</p>
3.33	<p>A revised Acoustic Report is currently being developed for the ongoing use of the venue and this will be assessed by colleagues in the Environmental Protection Unit (EPU).</p>
	<p><u>Applicant</u></p>
3.34	<p>The applicant and/or their representatives will be available at your meeting to answer any queries which you may have in relation to the applications.</p>
	<p><u>Financial and Resource Implications</u></p>
3.35	<p>Officers carry out during performance inspections on premises providing entertainment but this is catered for within existing budgets.</p>

3.36	<u>Equality and Good Relations Implications</u> There are no equality or good relations issues associated with this report.
4.0	Documents Attached
	Appendix 1 – Application Forms Appendix 2 – Location Map Appendix 3 – Letter sent to applicant regarding December 2017 events Appendix 4 – Layout plan of the venue Appendix 5 – PSNI Comments