



Subject:	Application for the Grant of an Annual Indoor Entertainments Licence with Previous Convictions - Nu Delhi Lounge, 25-27 Bruce Street
Date:	14th February, 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, in accordance with the Local Government Miscellaneous Provisions (NI) Order 1985 (the Order), if the Council wishes to refuse an Entertainments Licence where the applicant has been convicted of offences.</p> <table><tr><td>Premises and Location</td><td>Ref. No.</td><td>Applicant</td></tr><tr><td>Nu Delhi Lounge, 25-27 Bruce Street, Belfast, BT2 7JD</td><td>WK/201701386</td><td>Mr. Nazim Din 25-27 Bruce Street, Belfast, BT2 7JD</td></tr></table>	Premises and Location	Ref. No.	Applicant	Nu Delhi Lounge, 25-27 Bruce Street, Belfast, BT2 7JD	WK/201701386	Mr. Nazim Din 25-27 Bruce Street, Belfast, BT2 7JD
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1.2	<p>Members are reminded that, at your meeting on 18th January 2017, you agreed to consider the option, as provided for in the Order, to refuse an application for an Entertainments Licence immediately after a licence holder or applicant has been convicted of an offence within the period of five years immediately preceding the date when the application was made.</p>						

<p>1.3</p> <p>1.4</p> <p>1.5</p>	<p>For current licensees, this means that, as soon as an applicant is convicted of an offence, rather than when their licence falls due for renewal, the licence holder will be invited to appear before Committee and convince Members as to why their licence should not be revoked.</p> <p>This has the benefit that, regardless of any Court penalty, Members have the opportunity to impress upon the applicant the severity of their offence and to seek assurances in relation to the future management of the premises. Conditions cannot be attached to an existing licence, however, undertakings could be sought from a licensee in terms of additional controls in relation to the premises; compliance of the undertaking would be a relevant consideration to their fitness in any future renewal application.</p> <p>As a result of previous convictions, this applicant is now required to appear before Committee and make representations as to why their application for an Entertainments Licence should not be refused.</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 any representations received, you are required to consider the application in light of the legal proceedings and determine whether you wish to refuse to grant an Entertainments Licence on the grounds that the applicant has been convicted of offences under the Order.</p> <p>If Members are satisfied that the application should not be refused you are then required to either:</p> <ol style="list-style-type: none"> 1. approve the application for the grant of the Seven-Day Annual Entertainments Licence, or 2. approve the application for the grant of the Seven-Day Annual Entertainments Licence with special conditions. <p>If the application is refused, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court. The applicant may also appeal any special conditions attached to the Entertainments Licence outlined at point 2 above.</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 matter is being placed before Committee because the applicant, Mr. Nazim Din, was convicted on 15th August 2017 at Belfast Magistrates' Court of offences under the Order of providing entertainment at Nu Delhi Lounge on 17th December 2016 and 1st April 2017, without an Entertainments Licence</p> <p>As a result, Mr. Din was fined a total of £400 (£200 for each offence) and ordered to pay court costs of £73.</p> <p>Following each of the offences, officers met with Mr. Din to explain our application process and stressed that entertainment was not permitted on the premises until a valid Entertainments Licence was granted. Despite previous applications being made and outstanding information then being requested, the applications were never completed.</p> <p>Members are advised that the premises were previously licensed until 28 February 2011 under the control of a different licensee.</p>

Premises

3.5 Currently, the premises operate as a restaurant with a bar facility. The applicant has applied to provide entertainment on the first floor. Officers have worked with him and agreed an occupancy of 150 persons for the area.

3.6 A copy of the application form is attached at Appendix 1.

3.7 The applicant has applied for entertainment to be provided during the following days and hours:

- Monday to Saturday: 11.30 p.m. to 1.00 a.m. and
- Sunday: 12.30 pm to Midnight

3.8 A location map is attached at Appendix 2.

Representations

3.9 Public notice of the application has been placed and no written representations have been lodged as a result of the advertisement.

PSNI

3.10 The PSNI has been consulted and has confirmed that it has no objections to the application. A copy of its correspondence is attached at Appendix 3.

Health, Safety and Welfare Inspections

3.11 Officers have met with the applicant following the offences to discuss how the premises should be managed. At these meetings, officers have provided advice on fire safety procedures and measures that should be in place for safe evacuation in an emergency situation.

NIFRS

3.12 The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and has confirmed that it has no objection.

Noise Issues

3.13 The Environmental Protection Unit (EPU) has been consulted in relation to the application and they have confirmed that, due to the location, they have no concerns with regards to noise nuisance from the premises. No complaints have ever been received relating to noise break out from the premises or due to patron dispersal.

Applicant

3.14 The applicant has been made aware of the concerns raised by the Committee regarding the level of fines imposed by the Court and the new procedure which has been adopted in order to give Members the opportunity to seek assurances as to why their application for an Entertainments Licence should not be refused.

3.15 The applicant has been invited to attend your meeting to answer any queries you may have in relation to the future management of the premises.

3.16	<p>Members can attach conditions to this licence relevant to the provision of entertainment. In addition to this, any undertakings which are provided by the applicant to Committee, whilst they may not be possible to attach as conditions to the licence as they fall out with the 'provision of entertainment' per se, compliance with any such undertakings would be relevant to his fitness in any future renewal application.</p> <p><u>Financial and Resource Implications</u></p>
3.17	<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>
3.18	<p>There are no equality or good relations issues associated with this report.</p>
4.0	Documents Attached
	<p>Appendix 1 – Application Form</p> <p>Appendix 2 – Location Map</p> <p>Appendix 3 – PSNI Correspondence</p>