



<b>Subject:</b>	<b>Application for the Variation of a Seven-day Annual Indoor Entertainments Licence - Botanic Inn, 23-27 Malone Road</b>
<b>Date:</b>	20th June, 2018
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	James Cunningham, Regulatory Services Manager, ext. 3375

<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>If Yes, when will the report become unrestricted?</b>	
<b>After Committee Decision</b>	<input type="checkbox"/>
<b>After Council Decision</b>	<input type="checkbox"/>
<b>Some time in the future</b>	<input type="checkbox"/>
<b>Never</b>	<input type="checkbox"/>

<b>Call-in</b>	
<b>Is the decision eligible for Call-in?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>				
1.1	To consider whether to accept late objections to an application for the variation of the hours during which entertainment may be provided at the Botanic Inn to 3 a.m. on Saturday nights.  <table><thead><tr><th><b>Premises and Locations</b></th><th><b>Applicant</b></th></tr></thead><tbody><tr><td>Botanic Inn 23-27 Malone Road Belfast BT9 6RU</td><td>Mr. Felix Mooney Cathal GM Ltd Botanic Inn 23-27 Malone Road Belfast BT9 6RU</td></tr></tbody></table>	<b>Premises and Locations</b>	<b>Applicant</b>	Botanic Inn 23-27 Malone Road Belfast BT9 6RU	Mr. Felix Mooney Cathal GM Ltd Botanic Inn 23-27 Malone Road Belfast BT9 6RU
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1.2	The variation application for the Botanic Inn for the extension of hours of entertainment to 3.00 a. m. was received on 22nd November, 2016.				

<b>2.0</b>	<b>Recommendations</b>
2.1	As the objections against the application were received outside the 28-day statutory period, you are required to determine if you wish to exercise your discretion to consider them and, if so, give the objectors and the applicant an opportunity of appearing before and being heard by the Committee.
2.2	Should you exercise your discretion, you are required to set a suitable date and time to receive the persons who made the representation, the applicant, and/or their representatives and, after having received their submissions, make a recommendation regarding the applications.
2.3	If you decide not to take the late representation into account, then the application will be brought before you at a future meeting for your consideration, as all applications for the extension of hours of entertainment beyond 1.00 a.m. must be brought before the Committee for consideration. Additionally, you will also consider the objections of the Lower Malone Residents' Association arising from the decision to take them into account at your meeting on 19th April 2017.
<b>3.0</b>	<b>Main Report</b>
3.1	<p><b><u>Key Issues</u></b></p> <p>Members are reminded that, at your meeting on 18th January 2017, you considered a report regarding representations received outside the 28-day statutory period and agreed to adopt the following criteria when considering late objections:</p> <ol style="list-style-type: none"> <li>1. has a reasonable explanation been provided, in writing, by the objector as to why their representation was not made within the 28-day period?;</li> <li>2. does the representation provide substantially different additional information to that already contained within representations that have been received within the 28-day period/;</li> <li>3. how far outside the 28-day period were the representations received?;</li> <li>4. the proximity of the objectors to the premises;</li> <li>5. the number of other representations received outside the 28-day period;</li> <li>6. whether there are any other material considerations which would warrant consideration of the objection.</li> </ol> <p>3.2 A factor Members may also wish to take into consideration is the previous history of objection, Committee hearings and Court cases associated with these premises and the fact that the Entertainments Licence currently has conditions which require the Licensee to attend liaison meetings between Belfast City Council, the Lower Malone Residents Association and the PSNI.</p> <p>3.3 Written representation, objecting to the applications, has been received from a number of sources, which were outside the 28 day statutory period. (See Appendix 1)</p> <p>3.4 All of the above objections were received in April and May, 2018.</p> <p>3.5 A synopsis of the objections received is outlined below:</p> <ul style="list-style-type: none"> <li>• the premises are located near residential streets in the greater University area and Lower Malone. It is totally inappropriate for a pub to open to 3.00 am in this area;</li> </ul>

<p>3.6</p>	<ul style="list-style-type: none"> <li>• many streets in the surrounding area are residential in nature and many of the owners have to work the next day and have children trying to sleep;</li> <li>• there has been an ongoing problem with antisocial behaviour in the wider university area;</li> <li>• there is an ongoing concern in Lower Malone with antisocial behaviour and noisy students making their way back to the Elms Village and other student housing in the area.</li> </ul> <p>Arising from your decision of 18th January, 2017, we have received correspondence from the objectors explaining the reason for their late objection. They have all stated this was because they were unaware of the application submitted by the Botanic Inn to increase their hours of entertainment until advised by the PSNI via their local residents' group in April 2018.</p> <p><b>Lower Malone Residents Association</b></p>
<p>3.7</p>	<p>Members will recall that, at your meeting on 19th April 2017, it was reported that representations had been received from the Lower Malone Residents' Association objecting to this application. The Committee agreed, in view of the explanation which had been provided and relevance of the objection, to exercise its discretion and consider the objections outside the 28-day statutory period at a future meeting of the Committee.</p>
<p>3.8</p>	<p>In the interim period, there has been ongoing mediation between the management of the Botanic Inn and Lower Malone Residents Association, who confirmed that they were happy to withdraw their objection on the basis that the Licence was issued for one night per week for a six month period.</p>
<p>3.9</p>	<p>However, the Lower Malone Residents Association confirmed, on 20th May 2018 that, although they entered into the mediation process with the management of the Botanic Inn, they would like to maintain their original objection. A copy of the original Lower Malone Residents' Association objection is attached at Appendix 2.</p>
<p>3.10</p>	<p><b>PSNI</b></p> <p>The Police Service of Northern Ireland originally objected to the 3 a.m. extension, as it was proposed for midweek and it would not have adequate resources to facilitate this. Due to this objection, the applicant proposed changing the proposed 3 a.m. extension to a Saturday night and the Police Service of Northern Ireland confirmed it would have no objection. A confirmation email from the PSNI is attached at Appendix 3.</p>
<p>3.11</p>	<p><b><u>Financial and Resource Implications</u></b></p> <p>None.</p> <p><b><u>Equality or Good Relations Implications</u></b></p>
<p>3.12</p>	<p>There are no equality or good relations issues associated with this report.</p>
<p><b>4.0</b></p>	<p><b>Documents Attached</b></p>
	<p>Appendix 1 – Objection E-mails  Appendix 2 – Original objection from Lower Malone Residents' Association  Appendix 3 – Email from Police Service of Northern Ireland</p>