



Subject:	Applications for the Renewal and Variation of Seven-Day Annual Indoor and Outdoor Entertainments Licences - Thompson's Garage, 3 Patterson's Place
Date:	20th June, 2018
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext 2435
Contact Officer:	James Cunningham, Regulatory Services Manager, ext 3375

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 applications for the renewal and variation of both the Seven-Day Annual Indoor and Outdoor Entertainments Licence for Thompsons Garage, based on the Council's Standard Conditions.</p> <table><tr><td>Premises and Location</td><td>Applicant</td></tr><tr><td>Thompson's Garage</td><td>Mr. Stephen Boyd</td></tr><tr><td>3 Patterson's Place</td><td>Endless Music Limited</td></tr><tr><td>Belfast</td><td>41 Downshire Road</td></tr><tr><td>BT1 4GW</td><td>Belfast, BT6 9JL</td></tr></table>	Premises and Location	Applicant	Thompson's Garage	Mr. Stephen Boyd	3 Patterson's Place	Endless Music Limited	Belfast	41 Downshire Road	BT1 4GW	Belfast, BT6 9JL
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Thompson's Garage	Mr. Stephen Boyd										
3 Patterson's Place	Endless Music Limited										
Belfast	41 Downshire Road										
BT1 4GW	Belfast, BT6 9JL										
1.2	<p>The nature of the variation to the Indoor Entertainment Licence is to increase the occupancy of the indoor area from 430 persons to 480 persons.</p>										

<p>1.3</p> <p>1.4</p>	<p>The nature of the variation to the Outdoor Entertainments Licence is to extend the hours of when entertainment may be provided from 11pm to 1am and increase the occupancy of the outdoor area from 185 persons to 200 persons.</p> <p>A location map is attached at Appendix 1.</p>
<p>2.0</p>	<p>Recommendations</p>
<p>2.1</p> <p>2.2</p> <p>2.3</p> <p>2.4</p> <p>2.5</p>	<p>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.</p> <p>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:</p> <ol style="list-style-type: none"> 1. approve the applications for the renewal of the 7-Day Annual Indoor and Outdoor Entertainments Licences, or 2. approve the applications for renewal with Special Conditions, or 3. refuse the applications for the renewal of the 7-Day Annual Indoor and Outdoor Entertainments Licences. <p>Should you be of a mind to approve the application to renew the Licences you are then required to determine, subject to all technical requirements being met, either to:</p> <ol style="list-style-type: none"> 1. approve the variation of the Licence to increase the occupancy capacity for the Indoor Entertainments Licence; and 2. approve the variation of the Licence to increase the occupancy capacity and the extension of hours for the Outdoor Entertainments Licence; or 3. agree the applications for the variation of the 7-Day Annual Indoor and Outdoor Entertainments Licence with Special Conditions, or 4. refuse any or all of the variation applications. <p>If the applications are refused, or Special Conditions are attached to the Licences 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 Recorders Court.</p> <p>Should the Committee decide to refuse the variation application, and the applicant decides to appeal, the existing Licence will continue with its present Conditions until the Appeal is determined.</p>
<p>3.0</p>	<p>Main Report</p>
<p>3.1</p>	<p><u>Key Issues</u></p> <p><u>Details of the Premises and Proposals</u></p> <p>The areas currently licensed to provide indoor entertainment are:</p> <ul style="list-style-type: none"> • Ground Floor Bar, with a maximum capacity of 240 persons. • Mezzanine Floor, with a maximum capacity of 190 persons.

3.2 The days and hours during which the premises are currently licensed to provide indoor entertainment are:

- Monday to Sunday: 11.30 am to 3.00 am the following morning

3.3 The premise operates as a public bar and nightclub with entertainment being provided on both floors in the form of DJs.

3.4 A new roof has been constructed over the second floor to form a VIP bar with an external balcony. This area was previously an outdoor smoking area. This area was not included on the Entertainments Licence but there was a special condition attached to the Licence restricting the occupancy of the area to 50 persons.

3.5 The applicant has applied to vary the existing Indoor Entertainments Licence to include this new VIP bar with an addition occupancy of 50 persons.

3.6 Layout plans of the proposed 2nd floor VIP area are attached at Appendix 2.

3.7 The area currently licensed to provide outdoor entertainment is:

- Outdoor Area, with a maximum capacity of 185 persons.

3.8 The days and hours during which the premises are currently Licensed to provide outdoor entertainment are:

- Monday to Saturday 11.30 am to 11.00 pm, and
- Sunday 12.30 pm to 11.00 pm.

3.9 Entertainment is provided to the outdoor area in the form of solo performers, live bands or a DJ through the in-house speaker system.

3.10 The applicant has applied to extend the hours of the existing Outdoor Entertainments Licence from 11.00pm to 01.00am and to increase the occupancy from 185 to 200 persons.

3.11 Layout plans of the proposed outdoor area are attached as Appendix 3.

Previous convictions

3.12 The application is being placed before the Committee because both Mr Stephen Boyd and Endless Music Limited were convicted of offences under the Local Government (Miscellaneous Provisions) Order 1985 at Belfast Magistrates' Court, on two occasions: 13 May 2014 and 24 May 2016.

First Conviction

3.13 The first conviction, on 13 May 2014, arose following breaches of the Terms and Conditions of the Entertainments Licence in that they failed to manage the permitted occupancy and migration between licensed areas. They also failed to ensure that the permitted numbers for the Smoking Area were limited to 50 persons as the area was overcrowded.

3.14 As a result, Mr Stephen Boyd and Endless Music Limited were fined a total of £800 and ordered to pay court costs of £69.

Second Conviction

- 3.15 The second conviction, on 24th May 2016, arose following breaches of the Terms and Conditions of the Entertainments Licence in that the 2nd Floor of the premises was found to be in excess of the permitted occupancy.
- 3.16 As a result, Endless Music Limited was fined £750 and ordered to pay court costs of £66.
- 3.17 Following these offences, officers met with Mr Boyd and his representatives to review all their procedures to ensure that appropriate measures were in place to prevent a recurrence.
- 3.18 Members may recall that details of the first conviction was brought to your attention previously and both convictions were considered at your meetings in April, May and October, 2017 in relation to the application for the renewal of the Indoor Entertainments Licence and the grant of the Outdoor Entertainments Licence and, after consideration, you agreed to grant all licences.
- 3.19 The applicant and/or his representatives will be available to discuss any matters relating to the application at your meeting.

Representations

- 3.20 Notice of the application has been advertised and no written representation has been lodged.

PSNI

- 3.21 The PSNI has been consulted and has confirmed that it has no objection to the applications. A copy of its correspondence is attached at Appendix 4.

NIFRS

- 3.22 The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and confirmed that they have no objection to the applications.

Health, safety and welfare inspections

- 3.23 The request for additional occupancies are minor in nature and can be accommodated without having any adverse effect on the means of escape from the premises in the event of an emergency.
- 3.24 Members are advised that Officers have carried out a total of two During Performance Inspections over the past 12 months. On each occasion, all technical matters were satisfactory, and the appropriate measures and management procedures were being implemented effectively.
- 3.25 The premises have also been subject to inspections as part of the licensing application process and all technical requirements and associated operational and management procedures have been checked and are satisfactory.

Noise issues

- 3.26 No noise complaints have been received in the last 12 months.

<p>3.27</p> <p>3.28</p> <p>3.29</p> <p>3.30</p>	<p>Given the nature of the outdoor entertainment at the venue an acoustic report outlining the measures to be taken to ensure minimal disturbance to neighbouring residential premises, both due to noise breakout or from patron activity, was requested and forwarded to the Council's Environmental Protection Unit (EPU). At the time of writing this report, EPU comments were not available, therefore, we will advise of their comments at the Committee meeting.</p> <p>Members are reminded that the Clean Neighbourhood And Environment Act 2011 gives the Council additional powers in relation to the control of entertainment noise after 11.00 pm.</p> <p><u>Financial and Resource Implications</u></p> <p>Officers carry out during performance inspections on premises providing entertainment, but this is catered for within existing budgets.</p> <p><u>Equality and Good Relations Implications</u></p> <p>There are no equality or good relations issues associated with this report.</p>
<p>4.0</p>	<p>Documents Attached</p>
	<p>Appendix 1 – Location map</p> <p>Appendix 2 – Plans of the Indoor Area</p> <p>Appendix 3 – Plans of the Outdoor Area</p> <p>Appendix 4 – PSNI Correspondence</p>