



Subject:	Application for the Grant of a Seven-Day Annual Indoor Entertainments Licence - Beckett's Bar, 241 Stewartstown Road
Date:	20th June, 2018
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext 2435
Contact Officer:	James Cunningham, Regulatory Services Manager, xt 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 an application for the grant of a Seven-Day Annual Indoor Entertainments Licence for Beckett's 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>Applicant</td></tr><tr><td>Beckett's Bar, 241 Stewartstown Road, Dunmurry, BT17 0LA.</td><td>Carol Hughes, Sharp NI Ltd, 60 Limehill Road, Lisburn, BT27 5LR.</td></tr></table>	Premises and Location	Applicant	Beckett's Bar, 241 Stewartstown Road, Dunmurry, BT17 0LA.	Carol Hughes, Sharp NI Ltd, 60 Limehill Road, Lisburn, BT27 5LR.
Premises and Location	Applicant				
Beckett's Bar, 241 Stewartstown Road, Dunmurry, BT17 0LA.	Carol Hughes, Sharp NI Ltd, 60 Limehill Road, Lisburn, BT27 5LR.				
1.2	<p>Members are advised that the premises are located within an area the former of Lisburn City Council which transferred over to Belfast City Council under Local Government Reform (LGR).</p>				

1.3	A location map is attached at Appendix 1.
2.0	<u>Recommendations</u>
2.1	Taking into account the information presented and any representations received you are required to consider the application in light of the legal proceedings against the applicant and determine if you wish to refuse the application on the grounds that the applicant has been convicted of offences under the Order.
2.2	Should Members be satisfied that the application need not be refused you are then required to either: <ol style="list-style-type: none"> 1. approve the application for the grant of the 7-Day Annual licence, or 2. approve the application for the grant with special conditions, or 3. refuse the application for the grant of the 7-Day Annual licence.
2.3	If the application is 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 Recorders Court.
3.0	Main Report
	<u>Key Issues</u>
	<u>Details of the Premises and Proposals</u>
3.1	Currently the premises operates as a Public Bar and Lounge Bar on the Ground Floor and a First Floor Function Room.
3.2	This premises previously held an Entertainments Licence issued by Lisburn City Council. The applicant/licensee was John Hughes and that licence expired on 31st December, 2010. A copy of the Licence is attached at Appendix 2.
3.3	The areas where it is proposed to provide indoor entertainment are the: <ul style="list-style-type: none"> • Ground Floor Bar, with a maximum capacity of 220 persons. • Ground Floor Lounge, with a maximum capacity of 160 persons. • First Floor Function Room, with a maximum capacity of 110 persons.
3.4	The days and hours during which entertainment is proposed to be provided are: <ul style="list-style-type: none"> • Monday to Saturday: 12.30 pm to 1.00 am the following morning and • Sunday: 12.30 pm to 12.00 midnight.
3.5	Layout plans of the proposed premises are attached at Appendix 3.
	<u>Previous Application</u>
3.6	Members are advised that, at your meeting on 17th February 2016, the Committee previously considered an application from Sharp NI Ltd. for the grant of an indoor Entertainments Licence for Beckett's Bar.

3.7	<p>At that meeting, the Committee, in its capacity as Licensing Authority, refused the application for the licence on the grounds that:</p> <ul style="list-style-type: none"> (i) it was clear that the application involved Mr. Eugene Hughes and that he was operating the premises, which related to his fitness to hold an Entertainments Licence; (ii) issues had been encountered at other premises operated by the Hughes family in terms of liquor and entertainments licensing; and (iii) both the applicant and Mr. Eugene Hughes had been convicted of providing entertainment without a valid Entertainments Licence.
3.8	<p>Details of the offences leading to the conviction and the information under consideration by Committee are contained in the minutes of the meeting of 17th February 2016 (Appendix 4)</p>
3.9	<p>The applicant subsequently appealed that decision. The appeal was adjourned a number of times for various reasons and more recently pending the outcome of a prosecution case, taken by the Council, that Sharp NI Ltd and Eugene Hughes had, on the 1 May 2017, provided entertainment without a licence.</p>
3.10	<p>That case was heard at Lisburn Magistrates' Court on 15th May 2018. District Judge Watters dismissed the case as she was not satisfied that the prosecution had provided sufficient evidence of a monetary charge for the event.</p>
3.11	<p>Subsequently, the applicant's legal representative advised that their client indicated that he would be prepared to withdraw the Appeal against the decision of the council not to award an Entertainments Licence if his new application is brought before the Licensing Committee for consideration. Upon consideration of all of the issues involved the City Solicitor agreed to that course of action.</p>
<p><u>Previous convictions</u></p>	
3.12	<p>In addition to the above, the application is being placed before the Committee because both Sharp NI Ltd. and Mr Eugene Hughes were, on 16 February 2016, convicted of offences under the Local Government (Miscellaneous Provisions) Order 1985, for providing entertainment without a valid Entertainments Licence on 10 July 2015.</p>
3.13	<p>As a result, both Sharp NI Ltd. and Mr Hughes were fined a total of £1,000 each and ordered to pay court costs of £166 and an offender levy of £15.</p>
3.14	<p>The applicant and/or their representatives will be available to discuss any matters relating to the application at your meeting.</p>
<p><u>Representations</u></p>	
3.15	<p>Notice of the application has been advertised. An objection was lodged on behalf of the Irish News on 14th November 2017 but was withdrawn upon payment of the outstanding monies owed to the objector for the costs of the advert.</p>
<p><u>PSNI</u></p>	
3.16	<p>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 5.</p>

	<p><u>NIFRS</u></p> <p>3.17 The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and has confirmed that it has no objections.</p> <p><u>Health, Safety and Welfare Inspections</u></p> <p>3.18 In preparation for the appeal hearing, officers from the Service undertook an inspection of the premises on 26th October, 2016 and encountered a number of problems which raised serious concern about safety management arrangements. In particular, the first floor lounge area was draped in large amounts of polythene and fabric sheeting in preparation for a children's Halloween event which was completely inappropriate in the way it was fixed and with no evidence that it was treated to be flame-proof should it come into contact with a heat source.</p> <p>3.19 These concerns were communicated directly to Counsel for the appellant to ensure that the event did not take place.</p> <p>3.20 The premise has since been subject to further inspections as part of the licensing application process and many previous safety issues such as those identified in our inspection in July 2015, when the applicant was prosecuted for providing entertainment without a licence, have now largely been rectified and management procedures have been checked and are satisfactory.</p> <p>3.21 At the time of writing this report there are some outstanding technical requirements to address and, should Members be minded to grant a licence, delegated authority is sought for the licence to be issued by Building Control upon satisfactory completion of these matters.</p> <p>3.22 If the Entertainment Licence is granted, the premises will be inspected as part of our During Performance Inspection regime and will be subject to monitoring to ensure the applicant adheres to their licence conditions.</p> <p><u>Noise Issues</u></p> <p>3.23 The Environmental Protection Unit (EPU) has been consulted in relation to the application and no noise complaints have been received in the last 12 months.</p> <p>3.24 Members are reminded that the Clean Neighbourhood And Environment Act 2011 gives councils additional powers in relation to the control of entertainment noise after 11.00 pm.</p> <p><u>Financial and Resource Implications</u></p> <p>3.25 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>3.26 There are no equality or good relations issues associated with this report.</p>
4.0	Documents Attached
	<p>Appendix 1 – Location Map</p> <p>Appendix 2 – Lisburn City Council Entertainments Licence</p> <p>Appendix 3 – Plans of the Indoor Area</p> <p>Appendix 4 – Minutes of the meeting of 17th February, 2016</p> <p>Appendix 5 – PSNI Comments</p>