



Subject:	Consideration of Entertainments Licences where the applicant has been convicted of an offence
Date:	20th February, 2019
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 or Summary of main Issues
1.1	To consider an application for an Entertainments Licence where the applicant has been convicted of an offence under the Local Government (Miscellaneous Provisions) (NI) Order 1985 (the Order) within the previous five years.
2.0	Recommendations
2.1	Taking into account the information presented, you are required to consider the application and to: - 1. Approve the application, or 2. Should you be of a mind to refuse the application, or approve the application with additional special conditions, an opportunity of appearing before and of being heard by the Committee must be given to the applicant.

3.0	Main report																
3.1 3.2 3.3	<u>Key Issues</u>																
	Members are reminded that the normal process for dealing with Entertainments Licence applications which are not the subject of objections is that the Licence will be granted as provided for in the Council's Scheme of Delegation.																
	However, as the applicant or their company has been found guilty of committing an offence within five years of the application for a licence being submitted to the Council, you are required to consider the following application.																
3.3	<table border="1"> <thead> <tr> <th data-bbox="272 544 528 645">Premises and Location</th> <th data-bbox="528 544 700 645">Applicant</th> <th data-bbox="700 544 890 645">Application Type</th> <th data-bbox="890 544 1233 645">Offence Details</th> <th data-bbox="1233 544 1457 645">Date of Conviction & Penalty</th> </tr> </thead> <tbody> <tr> <td data-bbox="272 645 528 1753"> AM:PM 38-44 Upper Arthur Street Belfast BT1 4GH </td> <td data-bbox="528 645 700 1753"> AM:PM Limited </td> <td data-bbox="700 645 890 1753"> Renewal </td> <td data-bbox="890 645 1233 1753"> 20th May 2016 Rear final escape door was obstructed. Rear escape stair was obstructed. Rear escape corridor on the ground floor was obstructed. Fire door was held open on the ground floor escape route. All escape routes, including stairways, were not maintained with non-slippery and even surfaces. Entertainment was being provided on the 2nd floor which is an area not covered by the Entertainments Licence. The Entertainments Licence was not being displayed. </td> <td data-bbox="1233 645 1457 1753"> On appeal: 6 January 2017 £2750 and £66 Court costs. Charges 1-5 £500 each, Charge 6 withdrawn 7-8 £250 each. Original penalty was £3250 – charge 6 was withdrawn – penalty reduced to £2750. </td> </tr> </tbody> </table>	Premises and Location	Applicant	Application Type	Offence Details	Date of Conviction & Penalty	AM:PM 38-44 Upper Arthur Street Belfast BT1 4GH	AM:PM Limited	Renewal	20th May 2016 Rear final escape door was obstructed. Rear escape stair was obstructed. Rear escape corridor on the ground floor was obstructed. Fire door was held open on the ground floor escape route. All escape routes, including stairways, were not maintained with non-slippery and even surfaces. Entertainment was being provided on the 2nd floor which is an area not covered by the Entertainments Licence. The Entertainments Licence was not being displayed.	On appeal: 6 January 2017 £2750 and £66 Court costs. Charges 1-5 £500 each, Charge 6 withdrawn 7-8 £250 each. Original penalty was £3250 – charge 6 was withdrawn – penalty reduced to £2750.	3.4	Notwithstanding the possibility of refusing an Entertainments Licence on any other grounds, the Council may refuse an application on the grounds that the applicant has been convicted of an offence under the Order.				
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	<p><u>Application history</u></p> <p>AM:PM</p> <p>3.5 This is the third time an application for the premises has been considered by the Committee since the applicant was convicted on 6 January 2017.</p> <p>3.6 The application was previously considered by the Committee on 18 January 2017 and 13 December 2017 and, after consideration, you agreed to grant the application for the Entertainments Licence on those occasions.</p> <p>3.7 Since you last considered the application the premises have been subject to two further during performance inspections as well as a renewal inspection. The premises were satisfactory and management procedures were being implemented effectively.</p> <p><u>Representations</u></p> <p>3.8 Public notice of the application has been placed and no written representations have been lodged as a result of the advertisement.</p> <p><u>PSNI</u></p> <p>3.9 The PSNI has been consulted and has confirmed that they have no objections to the application. A copy of their correspondence is attached as Appendix 1.</p> <p><u>NIFRS</u></p> <p>3.10 The Northern Ireland Fire Rescue Service has been consulted in relation to the application and confirmed that they have no objections.</p> <p><u>Applicant</u></p> <p>3.11 The applicant and/or their representatives will be available at your meeting to answer any queries you may have in relation to the applications. A copy of the application form for the premises are attached as Appendix 2.</p> <p><u>Financial and Resource Implications</u></p> <p>3.12 Officers carry out during performance inspections on premises providing entertainment which is catered for within existing budgets.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>3.13 There are no issues associated with this report.</p>
4.0	Appendices – Documents Attached
	<ul style="list-style-type: none"> • Appendix 1 – PSNI Correspondence • Appendix 2 – Application Forms