



<b>Subject:</b>	<b>Consideration of Entertainments Licences where the applicant has been convicted of an offence</b>
<b>Date:</b>	20th February, 2019
<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 checked="" type="checkbox"/> No <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
<b>1.1</b>	Members will recall that, at your meeting of the 16th January 2019, the Committee agreed that a report be submitted to a future meeting outlining the options available to the Committee regarding authority to grant future applications where the applicant has been previously convicted of an offence under the Local Government (Miscellaneous Provisions) (NI) Order 1985 (the Order).
<b>2.0</b>	<b>Recommendations</b>
<b>2.1</b>	Taking into account the information presented, the Committee is requested to consider the proposals set out at 3.7 and agree how future applications should be presented to the Committee where the applicant has been previously convicted of an offence under the Order.

2.2	As all matters pertaining to policy and legislation in relation to licensing matters are not delegated any decision will be subject to ratification by Council.
3.0	<b>Main report</b>
	<p data-bbox="272 315 432 349"><b><u>Key Issues</u></b></p> <p data-bbox="165 383 1469 483">3.1 Committee is reminded that, at your meeting on 18th January 2017, you agreed that you would consider the revocation of an Entertainments Licence immediately after a licence holder is convicted of an offence.</p> <p data-bbox="165 517 1469 618">3.2 This means that as soon as an applicant is convicted of an offence, rather than when their licence falls due for renewal, the Licensee is invited to appear before Committee and convince Members as to why their Licence should not be revoked.</p> <p data-bbox="165 651 1469 853">3.3 This has the benefit that, regardless of any Court penalty, Members have the opportunity to impress upon the Licensee the severity of their offence and seek assurances in relation to future management of the premises. Whilst it is not possible to attach Conditions to an extant Licence an undertaking can be sought from a Licensee in terms of additional controls to be put in place at the premises. Compliance with such an undertaking is relevant to their fitness in any future renewal application.</p> <p data-bbox="165 887 1469 1021">3.4 In addition to the above, the Order requires the Council to consider any application for the grant, renewal or transfer of an Entertainments Licence where 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.</p> <p data-bbox="165 1055 1469 1223">3.5 Members are advised that since 2011, the Committee has considered 125 Committee reports for 50 premises as a consequence of legal action and previous convictions of applicants. Many of the applicant's offences have been considered on more than one occasion due to the '5 year rule'. After the initial consideration of the conviction, none has been refused a grant of Licence.</p> <p data-bbox="165 1256 1469 1357">3.6 On the majority of occasions, as there have been no further infringements, Committee have agreed to grant these applications without hearing from the applicants even though the applicants are required to attend the Committee meeting.</p> <p data-bbox="165 1391 1469 1458">3.7 After discussion with Legal Services the following proposals have been drawn up which it is believed will streamline the Committee process for both Members and applicants:</p> <ol data-bbox="272 1491 1469 1962" style="list-style-type: none"> <li data-bbox="272 1491 1469 1626">1. As agreed at your meeting of 18 January 2017 you will continue to consider the revocation of an Entertainments Licence immediately after a licence holder is convicted of an offence. At that meeting the Licensee will still be required to appear before Committee and convince Members as to why their Licence should not be revoked.</li> <li data-bbox="272 1659 1469 1827">2. Thereafter, assuming the Committee does not revoke the Licence at the post-conviction Committee meeting, authority is delegated to the Director of Planning and Building Control to approve any subsequent applications where the applicant has been found guilty of committing an offence within five years of the application for a Licence being submitted to the Council.</li> <li data-bbox="272 1861 1469 1962">3. Such delegated authority will only be exercised on the basis that: <ol data-bbox="368 1895 1469 1962" style="list-style-type: none"> <li data-bbox="368 1895 1469 1962">a. All safety, technical and managerial matters have been maintained in accordance with the terms, conditions and restrictions of the Entertainments Licence,</li> </ol> </li> </ol>

	<p>b. There has been no recurrence of the breach for which the applicant was convicted, or any other offences have been committed,</p> <p>c. There are no representations in respect of the application.</p> <p>4. All subsequent applications will be included in the 'Licences Issued Under Delegated Authority' Committee Report.</p> <p>5. Additionally, the Director of Planning and Building Control in consultation with the City Solicitor will still bring any application where the applicant has been found guilty of committing an offence within five years of the application for a licence being submitted to the attention of the Licensing Committee for consideration should the circumstances of that application dictate.</p> <p><b><u>Financial and Resource Implications</u></b></p> <p>3.8 Officers carry out during performance inspections on premises providing entertainment which is catered for within existing budgets.</p> <p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p> <p>3.9 There are no issues associated with this report.</p>
4.0	<b>Appendices – Documents Attached</b>
	None