



<b>Subject:</b>	<b>Consideration of objections to an application for the Grant of an Entertainments Licence for the Lansdowne Hotel</b>
<b>Date:</b>	18 September, 2019
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Monica Gallagher, Senior Building Control Surveyor, ext. 2567

<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 or Summary of Main Issues</b>						
<b>1.1</b>	To consider an application for the Grant of a 7-Day Annual Indoor Entertainments Licence for the Lansdowne Hotel based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind.						
<b>1.2</b>	<table><tr><td><b>Premises and Location</b></td><td><b>Ref. No.</b></td><td><b>Applicant</b></td></tr><tr><td>Lansdowne Hotel, 657-659 Antrim Road, Belfast, BT15 4EF</td><td>WK/201900809</td><td>Mr Edmund Simpson JPE Hotels Antrim Road, Belfast</td></tr></table>	<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	Lansdowne Hotel, 657-659 Antrim Road, Belfast, BT15 4EF	WK/201900809	Mr Edmund Simpson JPE Hotels Antrim Road, Belfast
<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
Lansdowne Hotel, 657-659 Antrim Road, Belfast, BT15 4EF	WK/201900809	Mr Edmund Simpson JPE Hotels Antrim Road, Belfast					
<b>1.3</b>	A copy of the application form is attached as Appendix 1.						
<b>1.4</b>	A location map of the premises is attached as Appendix 2.						

<b>2.0</b>	<b>Recommendations</b>
<b>2.1</b>	<p>Considering the information presented and representations received in respect of the application you are required to make a decision to either:</p> <ol style="list-style-type: none"><li>1. Approve the application for the Grant of the 7-Day Annual Entertainments Licence, or</li><li>2. Approve the application for the Grant of the 7-Day Annual Entertainments Licence with special conditions, or</li><li>3. Refuse the application for the Grant of the 7-Day Annual Entertainments Licence.</li></ol>
<b>2.2</b>	<p>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 County Court.</p>
<b>2.3</b>	<p>If the application is refused and an appeal is lodged entertainment may not be provided during the appeal period.</p>
<b>3.0</b>	<b>Main report</b>
	<p><b><u>Key Issues</u></b></p>
<b>3.1</b>	<p>Three objections have been received from residents living near the Hotel. The nature of their objections relates to the following:</p> <ul style="list-style-type: none"><li>• Conversations and noise from patrons using the beer garden are at unacceptable levels of noise.</li><li>• The high level of noise breakout from the venue.</li><li>• The dispersal of patrons and taxis late at night create an unacceptable level of noise.</li><li>• The granting of a licence will escalate the noise problems from the beer garden.</li></ul>
<b>3.2</b>	<p>Copies of these objections are attached as Appendix 3.</p>
	<p><b><u>Liaison meetings</u></b></p>
<b>3.3</b>	<p>Following receipt of the objections the Service facilitated liaison meetings between all parties involved to discuss residents' issues and attempt to resolve them.</p>
<b>3.4</b>	<p>Two of the objectors, a hotel director and an Officer from the Service Officer met at the Hotel to discuss resident's concerns on 3 July 2019 and a second meeting was held on 18 July to allow a further resident who had been on holiday to discuss their issues.</p>
<b>3.5</b>	<p>Following discussions, the hotel management implemented arrangements in relation to patron dispersal and noise as requested by residents. However, despite these meetings the residents still wish to pursue their objections.</p>
<b>3.6</b>	<p>As required by the Committee Protocol the applicant and each of the objectors were requested to provide their representation in advance of the meeting for consideration.</p>

### **Objectors Representation**

3.7 The objectors Representation Forms are attached as Appendix 4 and they have been provided to the applicant, as required by the protocol.

3.8 In general, the representations relate to concerns as follows:

- The provision of entertainment without a licence,
- Noise caused by patrons leaving the premises late at night,
- The relocation of the main entrance to the Antrim Road and lack of management to encourage patron dispersal,
- Music is still audible despite remedial measures by the applicant,
- Noise caused by patrons in the beer garden area.

3.9 The residents have been invited to attend your meeting to discuss any matters relating to their objections should they arise.

### **Applicants Representation**

3.10 The applicant has provided their Representation Form, as required by the Protocol, and a copy of his response is attached as Appendix 5. The applicant has highlighted the measures which have been undertaken to try and address residents' concerns.

3.11 The applicants Representation Form has also been provided to the objectors, as required by the protocol.

3.12 A summary of the applicant's representation is as follows:

- The hotel directors have been in regular communication with the three residents objecting and endeavoured to satisfy their requests.
- The hotel directors have invested £2.5 million to refurbish the hotel.
- The hotel employs 72 staff from the local area and the failure to obtain an Entertainments Licence may well affect their future employment.
- The hotel carried out an external lobby construction at a cost of £18,000 to ensure that noise from the hotel could be reduced.
- Door staff were employed to ensure entrance doors were open for the minimum time possible.
- Signage was erected to encourage patrons to disperse quietly.
- The applicant has employed an acoustic consultant to advise on potential noise breakout from the venue.

### **Counter representations**

3.13 In response to the Representation Form submitted by the applicant one of the objectors has disagreed with their assertion that music levels are no longer an issue for residents. The resident has also added that they are not seeking an outright ban on live music but that a compromise situation can be found to suit all.

3.14 A copy of this email is included as Appendix 6.

3.15 Further to providing the applicant with a copy of the objectors' Representation Forms the applicant has strenuously refuted any knowledge of social media comments causing the

3.16	objectors concern and has provided information suggesting Members should disregard this information.
3.17	A copy of this email is included as Appendix 7.
3.18	The applicant has also objected to a photograph submitted in supporting evidence by one of the objectors. Further to discussion with Legal Services this photograph has been omitted from the information provided with the Representation Forms.
3.19	The applicant and/or their representatives will be available at your meeting to answer any queries you may have in relation to the application.
<b><u>Details of the Premises</u></b>	
3.20	<p>The areas the applicant wishes to be licensed to provide entertainment are the:</p> <ul style="list-style-type: none"> <li>• Ground Floor Bar which will have a maximum capacity of 200 persons</li> <li>• Ground Floor Function room which will have a maximum capacity of 350 persons.</li> </ul>
3.21	<p>The days and hours during which the applicant wishes to provide entertainment are:</p> <ul style="list-style-type: none"> <li>• Monday to Saturday: 11.30 am to 1.00 am the following morning and,</li> <li>• Sunday: 12.30 pm to midnight.</li> </ul>
<b><u>PSNI</u></b>	
3.22	The PSNI have been consulted in relation to the application and confirmed that they have no objection to it. Police have also advised that they are in contact with the Licensee and his solicitor regarding the recent alterations to the premises.
<b><u>NIFRS</u></b>	
3.23	The Northern Ireland Fire Rescue Service has also been consulted in relation to the application and have advised they have no objection to it.
<b><u>Health, safety and enforcement inspections</u></b>	
3.24	The premises have been inspected and all works to ensure patron safety in the premises have been completed to the satisfaction of the Service.
3.25	The Service became aware of residents' concerns with the premises in July 2019 when complaints were made through the Council's Noise Hotline Service alleging that entertainment was being held on the premises and residents were being disturbed by noise from music and patrons in and around the premises.
3.26	Monitoring inspections were carried out at the premises by Officers from the Service on 06 July, 20 July and 16 August and the inspection on 20 July was arranged jointly with PSNI.
3.27	To date we have not witnessed entertainment being provided at the premises and no enforcement action is contemplated at present.
<b><u>Noise issues</u></b>	
3.28	Two noise complaints have been received by the Night Time Noise Team (NTNT) since the application was made in July 2019. When responding to the complaints and attending the

	<p>area Officers of the Noise Team did not witness any excessive noise levels that warranted action.</p>
<b>3.29</b>	<p>On 14th July a planned night time call out was arranged after a liaison meeting with a complainant. Outside the complainant's dwelling audible bass music was heard for a few minutes and voices were heard from the beer garden. Within the complainant's bedroom traffic noise was the main source of noise recorded.</p>
<b>3.30</b>	<p>On 3rd September a complainant contacted the NTNT who visited the premises but witnessed no noise from the Hotel and no patrons in the beer garden. Inside the complainant's property NTNT witnessed no noise from the hotel and road traffic noise was predominant.</p>
<b>3.31</b>	<p>The applicant has provided an acoustic report to determine if any works need to be carried out to the premises to prevent noise breakout. The report is currently being assessed by the Environmental Protection Unit and it is suggested that, if Members are of a mind to grant a licence, you do so on the basis that all acoustic measures are implemented to the satisfaction of the Council before entertainment may take place.</p>
<b>3.32</b>	<p>Members are reminded that the Clean Neighbourhood and Environment Act 2011 gives council's additional powers in relation to the control of entertainment noise after 11.00 pm.</p>
	<p><b><u>Financial and Resource Implications</u></b></p>
<b>3.33</b>	<p>Officers carry out monitoring inspections on premises receiving complaints, but this is catered for within existing budgets.</p>
	<p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p>
<b>3.34</b>	<p>There are no issues associated with this report.</p>
<b>4.0</b>	<p><b>Appendices – Documents Attached</b></p>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Application Form</li> <li>• Appendix 2 – Location Map</li> <li>• Appendix 3 – Letters of objection</li> <li>• Appendix 4 – Objectors Representation Forms</li> <li>• Appendix 5 – Applicant's Representation Form</li> <li>• Appendix 6 – Objectors counter representation</li> <li>• Appendix 7 – Applicant's counter representation</li> <li>• Appendix 8 – PSNI Comments</li> </ul>