



Subject:	Applications for the Provisional Grant of an Indoor and an Outdoor Entertainments Licence - Libertine, 10-14 Tomb Street
Date:	17th November, 2021
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
Contact Officer:	Quintin Thompson, Senior Building Control Surveyor, Ext 2570

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"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report/Summary of Main Issues															
1.1	<p>To consider an application for the provisional grant of a Seven-Day Annual Indoor Entertainments Licence, based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind and an application for the provisional grant of a Seven-Day Annual Outdoor Entertainments Licence to provide outdoor musical entertainment.</p> <table><tr><td>Area and Location</td><td>Ref. No.</td><td>Applicant</td></tr><tr><td>Libertine</td><td>WK/2020/01841</td><td>Mr Jim Crawford</td></tr><tr><td>10-14 Tomb Street</td><td>WK/2020/01846</td><td>Elwynn Leisure Limited</td></tr><tr><td>Belfast</td><td></td><td>149 Lisburn Road</td></tr><tr><td>BT1 3AS</td><td></td><td>Belfast, BT9 7AJ</td></tr></table>	Area and Location	Ref. No.	Applicant	Libertine	WK/2020/01841	Mr Jim Crawford	10-14 Tomb Street	WK/2020/01846	Elwynn Leisure Limited	Belfast		149 Lisburn Road	BT1 3AS		Belfast, BT9 7AJ
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1.2	A location map is attached at Appendix 1.
2.0	Recommendations
2.1	<p>Taking into account the information presented and any representations received, the Committee is required to consider the applications and to:</p> <ul style="list-style-type: none"> a) approve either or both of the applications for the provisional grant of the Seven-Day Annual Indoor and Outdoor Entertainments Licences, or b) approve either or both of the applications for the provisional grant with special conditions, or c) refuse either or both of the applications for the provisional grant of the Seven-Day Annual Indoor and Outdoor Entertainments Licences.
2.2	<p>If an 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. In the case that the applicant subsequently decides to appeal, entertainment may not be provided until any such appeal is determined.</p>
3.0	Main Report
	<p><u>Key Issues</u></p> <p><u>Provisional Grant of a Licence</u></p> <p>3.1 There is provision within the Local Government (Miscellaneous Provisions) (NI) Order (the Order) to make application for the grant of an Entertainments Licence in respect of premises which are to be, or are in the course of being, constructed, extended or altered.</p> <p>3.2 If the Committee is satisfied that the premises would, if completed in accordance with plans deposited, be such that it would grant the licence, it may grant the licence subject to a condition that it shall be of no effect until confirmed by the Council.</p> <p>3.3 This is described as the provisional grant of a licence.</p> <p>3.4 Should the Committee grant a provisional licence, the Order states that, when it is satisfied that the premises have been completed in accordance with the plans deposited, the Council must then issue the licence.</p> <p>3.5 Should the Committee be of a mind to grant the licence provisionally, it is requested to consider delegating authority to the Director of Planning and Building Control, in consultation with the City Solicitor, to issue the licence once all necessary technical requirements relating to health, safety, welfare and amenity have been completed to the satisfaction of the Building Control Service.</p> <p><u>Details of the Premises and Proposals</u></p> <p>3.6 The premises, formerly known as Fourteen Tomb Street, previously operated as a Nightclub on the Ground Floor and First Floor and held an Outdoor Entertainments Licence for the smoking area located at the side of the premises.</p>

3.7	<p>The areas where entertainment is proposed to be provided are the same as previously licenced, i.e.:</p> <ul style="list-style-type: none"> • Ground Floor, with a maximum capacity of 220 persons; • First Floor, with a maximum capacity of 220 persons; • External Smoking Area, with a maximum capacity of 250 persons.
3.8	<p>The days and hours during which entertainment is proposed to be provided, both indoors and outdoors, are the same as those granted for the previous licences, i.e.:</p> <ul style="list-style-type: none"> • Monday to Saturday: 11.30 a.m. to 3.00 a.m. the following morning and • Sunday: 12.30 p.m. to 3.00 a.m. the following morning
3.9	<p>Members are reminded that all applications for the grant of Outdoor Entertainments Licences to provide outdoor entertainment beyond 11.00 p.m. and to provide indoor entertainment past 1.00 a.m. are subject to consideration by the Committee.</p>
3.10	<p>The applicant has advised that the reason for applying for the extended hours is to be competitive with other premises in the vicinity.</p>
3.11	<p>The applicant proposes to provide entertainment in the form of live music, such as live bands and DJ's.</p>
3.12	<p>Layout plans of the premise are attached at Appendix 2.</p>
<p><u>Representations</u></p>	
3.13	<p>Public notice of the applications has been placed and no written representation has been lodged as a result of the advertisement.</p>
<p><u>PSNI</u></p>	
3.14	<p>The Police Service of Northern Ireland has been consulted in relation to the applications. At the time of writing, the Service has not received a response. An update will be provided at the Committee meeting.</p>
<p><u>NIFRS</u></p>	
3.15	<p>The Northern Ireland Fire and Rescue Service has been consulted in relation to the applications and has confirmed that it has no objections.</p>
<p><u>Health, Safety and Welfare</u></p>	
3.16	<p>The applicant has submitted a Building Regulations application for the refurbishment works. It is envisaged that the building works to refurbish this space will be completed in December, 2021.</p>
3.17	<p>Before the Entertainments Licence can be confirmed, as outlined in paragraph 3.4, the Building Regulations application must be approved and all site works must be completed to the satisfaction of the Service in accordance with the Regulations. This will ensure compliance, amongst other matters, with all fire safety, structural and access requirements.</p>
3.18	<p>All certification pre-requisite to the grant of a licence will also be required before the licence can be confirmed.</p>

<p>3.19</p> <p>3.20</p> <p>3.21</p> <p>3.22</p> <p>3.23</p> <p>3.24</p>	<p>When received, the applicant's proposals to mitigate the spread of Covid-19 will be issued to the Health and Safety section of City and Neighbourhood Services for their consideration.</p> <p><u>Noise</u></p> <p>The premises have been closed due to Covid-19 and, therefore, no complaints have been received in the past 12 months. The last noise complaint was received on 10th May 2019 and resulted in the Night-Time Noise Team approaching the management and asking for the noise levels to be reduced and a door to be kept closed.</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 p.m.</p> <p><u>Applicant</u></p> <p>The applicant, and/or their representatives, will be available at the Committee meeting to answer any queries which may arise in relation to the application.</p> <p><u>Financial and Resource Implications</u></p> <p>None.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>There are no issues associated with this report.</p>
<p>4.0</p>	<p>Documents Attached</p>
	<p>Appendix 1 – Location map</p> <p>Appendix 2 – Layout Plans</p>