

Title of Report:	GRANT OF NEW ENTERTAINMENT LICENCE
Committee Report Submitted To:	Full Council
Date of Meeting:	29TH JUNE 2021
For Decision or For Information	FOR DECISION

Linkage to Council Strategy (2019-23)	
Strategic Theme	Prosperity
Outcome	Actively develop and promote the economic and social development of the area
Lead Officer	Head of Health and Built Environment

Budgetary Considerations	
Cost of Proposal	Licensing Fee Applies
Included in Current Year Estimates	NO
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

1.0 ENTERTAINMENT LICENCE

1.1 GRANT OF INDOOR ENTERTAINMENT LICENCE

Licence No:	EL 405
Premises:	Kelly's Village, 140 Dunluce Road, Portrush BT56 8JQ
Application:	Grant of Indoor Entertainment Licence
	Days and times on which it is applied to provide entertainment:
	Wednesday - Saturday 19:00hrs to 23:00hrs
	Sunday 16:00hrs to 21:00hrs
Representations:	None received
PSNI and NIFRS:	No objections

An application has been received with respect to the above premises. This development which is the subject of a current Planning Application LA01/2020/0764/F comprises of 9 individual cabanas, picnic tables, a bar and stage, all located under a tent type canopy. The applicant wishes to apply for indoor entertainment consisting of dancing, singing, music or any other entertainment of a like kind.

Members may recall that an occasional licence was issued for a marquee relating to the period 15th – 21st July 2019 to the front of the hotel premises. This allowed entertainment, as prescribed, subject to conditions which included limited hours, detailed on the licence and prohibiting entertainment after 23:00 hours.

The applicant has submitted a Noise Impact Assessment in support of the Planning application dated December 2020. The report identifies the nearest residential properties to the marquee as the single storey holiday homes facing the proposed marquee and outdoor seating area. The distance from the proposed noise generating sources (stage/patrons) is stated as 30m.

An extract from the occasional Entertainment Licence issued for the marquee (2019) by this department stipulated the following conditions:

There shall be no amplified music permitted in the covered canopy area.

Good order must always be maintained and no drunkenness or any violent, quarrelsome, disorderly, riotous or improper conduct shall be permitted on the premises.

Noise arising from the entertainment on the premises shall be controlled so that:-

- 1. persons in the neighbourhood shall not be unreasonably disturbed, and*
- 2. noise is not audible within any neighbouring residential property between the hours of 2300 - 0700 or such other hours as the Council may determine.*
- 3. All such measures as are necessary must be taken to minimise the noise created by patrons outside the premises. Such measures shall include announcements, notices, employment of stewards or such other measures as may be required by the Council.*

With regard to bullet point 2. The licence stipulated the following criteria: “*noise is not audible within any neighbouring residential property between the hours of 23:00 – 07:00 or such other hours as the Council may determine*”.

Due to the structure of the premises, there are concerns regarding noise disturbance to residents of the holiday park, hotel (although under the control of the same operator) and to the nearest residential properties on Dunluce Road and Ballywillin Park. The applicant has undertaken additional noise measurements at the latter and determined a noise operating level within the premises so as not to increase the existing background level of 55dB and 46dB respectively. (F.R.Mark Associates Sound Test Entertainment Licence 22nd June 2021). It was not possible for officers of this department to independently verify the test. The consultant engaged was accompanied by the applicant’s architect.

It is understood that the measurements were taken in the early evening and are therefore likely to be higher than those recorded later at night (22:00-23:00hrs). It should also be noted that there were no patrons in the premises at the time and it is likely that such noise, not being steady state, will be more noticeable. Levels of patron noise may be anticipated to be above 75dB at 1 metre, therefore the external noise levels at the amenity/garden areas of holiday homes would be envisaged to exceed L_{Aeq} 50dB (moderate annoyance – WHO Guidelines). The WHO Guidelines for external amenity space detail a L_{Aeq} of 50dB for moderate annoyance, and 55dB as serious annoyance.

It remains a concern that noise from the premises may result in levels that will cause undue annoyance or a nuisance either to those occupiers of nearby residential properties or those occupiers of the holiday park.

Local Government (Miscellaneous Provisions) NI Order 1985, schedule 1 Licensing of Indoor Places of Entertainment Para 3 (4) states:

Without prejudice to the generality of sub-paragraph (2), terms, conditions and restrictions may be specified in a licence for the use of any place for an entertainment to which paragraph 1 applies for all or any of the following purposes, namely—

- (a) regulating the conduct, days and hours of use and general arrangement of the place;
- (b) securing adequate fire precautions;
- (c) securing the provision of facilities for the disabled;

- (d)securing the provision of adequate sanitary appliances and things used in connection with such appliances;
- (e)*preventing persons in the neighbourhood being unreasonably disturbed by noise;*

In light of the concerns raised regarding potential noise complaints, should Council be minded to grant an Entertainments licence for these premises, the following condition is suggested to be included in addition to standard licence conditions.

Within 2 weeks of the Council being notified of a reasonable noise complaint, from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the entertainment licence holder shall at his/her expense employ a suitably qualified and competent person to undertake a noise survey to assess the level of noise emissions from the licensed premises. The duration of such monitoring shall be sufficient to provide comprehensive information on noise levels with all plant and equipment fully operating. Details of the noise monitoring survey shall be submitted to Causeway Coast and Glens Borough Council for written approval prior to any monitoring commencing, at least 2 weeks notification of the date of commencement of the survey shall be provided. The noise survey information shall be provided within 1 month of the date of a written request from the Council and include where appropriate any necessary mitigating measures.

A joint inspection of the premises has been carried out with NIFRS. Should it be deemed appropriate to grant a licence NIFRS has recommended that the maximum occupancy be restricted to 505 persons.

Recommendation

It is recommended that Council consider the grant of an entertainments licence for the premises and if are so minded to, to include the condition above in addition to the standard licence conditions.