



Title of Report:	Renewal of Indoor Entertainments Licensing Report
Committee Report Submitted To:	Environmental Services Committee
Date of Meeting:	14th March 2023
For Decision or For Information	For Decision

Linkage to Council Strategy (2021-25)	
Strategic Theme	Local Economy
Outcome	Implementation of statutory requirements
Lead Officer	Head of Health & 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 Renewal Of Indoor Entertainments Licence

Licence No:	EL085
Premises:	The Quays Bar, Eglinton St, Portrush
Application:	Grant of an additional area to Annual Indoor Entertainments Licence Days and times on which it is applied to provide entertainment: Monday – Sunday 12:00hrs to 23:00hrs
Representatives:	No objections received
PSNI & NIFRS:	PSNI – no objections received. NIFRS – no objections received

2.0 Background

- 2.1 A renewal application has been received for the above premises. The application includes a request to hold entertainment in a recently built temporary structure of a wood and perspex construction which is located within the beer garden of the premises. The applicant wishes to apply for entertainment consisting of dancing, singing, music and other entertainment of a like kind, until 11pm within the temporary structure.
- 2.2 The applicant has submitted a planning application for the proposed relocation and extension of beer garden approved under C/2013/0432/F and extension to existing public house to provide a function room and ancillary areas (reference LA01/2022/0151/F), both of which are awaiting decision. The applicant has submitted a Noise Impact Assessment in support of this Planning Application dated November 2021. The report identifies the nearest noise sensitive receptors as the Eglinton Lane Apartments, located directly behind the pub at approximately 25m and overlooking the beer garden (where the temporary structure is located).
- 2.3 Due to the structure of the premises, there are concerns regarding noise disturbance to residents in the nearby noise sensitive receptors.
- 2.4 The noise assessment predicts the sound level to be 50db L_{Aeq} at the nearest noise sensitive dwelling. It should be noted that it is not clear from the report how many patrons were in the beer garden when noise monitoring was undertaken. The monitoring was carried out in November, when the number of patrons may have been much less compared to holiday season. The noise

assessment was also completed during covid restrictions, the beer garden was in the open air, with no structure in place.

- 2.5 The World Health Organisation (WHO) Guidelines for external amenity space detail a LAeq of 50dB for moderate annoyance, and 55dB as serious annoyance. The noise assessment predicts the sound level to equal that of WHO guidelines.
- 2.6 The Environmental Health Departments records show that there have been 6 noise complaints received between August 2019 and October 2022, with regards to noise from The Quays Bar. To date, the complaints have not been substantiated and at the time of writing this report there are no active noise complaints. Concerns however remain that noise from the premises may result in levels that will cause undue annoyance or a nuisance to those occupiers of nearby residential properties.

3.0 Legal Position

- 3.1 In accordance with Schedule 1 Paragraph 3 of The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 states: —

(1) The council may grant to any applicant, and from time to time renew, a licence for the use of any place specified in it for all or any of the entertainments to which paragraphs 1 and 2 apply.

(2) Subject to sub-paragraphs (3) to (5), a licence under this paragraph may be granted—

- (a) on such terms and conditions; and*
- (b) subject to such restrictions,*

as may be specified in it.

(4) 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;*

- 3.2 It is therefore for Council to determine what conditions should apply to each licence. Council may specify the number of days per week or days of the week that entertainment is permitted eg Friday, Saturday and Sundays, bank/public holidays, during special events upon request etc.

4.0 Proposed Licence Conditions

4.1 In light of the concerns raised regarding potential noise complaints, should Council be minded to grant an Entertainments licence for the additional temporary structure located in the beer garden of these premises, the following conditions are suggested for inclusion, in addition to standard licence conditions:

4.2 (a) Within 4 weeks of an instruction from Council the entertainment licence holder shall at their expense, employ a suitably qualified and competent person to undertake a noise survey. This condition will only be applied when Council is satisfied that a justifiable complaint has been received and informal approaches to resolve the matter have failed.

(b) Details of the noise monitoring survey to be carried out, shall be submitted to Council for written approval prior to any monitoring commencing and two weeks prior notification of the date of commencement of the survey shall be provided.

(c) The competent person carrying out the noise monitoring survey shall assess the level of noise emissions from the temporary structure. The duration of such monitoring shall be sufficient to provide comprehensive information on noise levels.

(d) The noise survey information shall include detail of:

- Any noise limit/s breaches
- Recommendation of acoustic mitigation required
- Confirmation of implementation of mitigation measures and evidence of noise limit/s conformance.

(e) The noise survey information shall be provided to Council within 4 weeks of the monitoring taking place. Should an extension be required, the request should be made in writing to Council for consideration.

5.0 Recommendation

It is recommended that Council consider the grant of an entertainment licence for the temporary structure and if minded to, include the proposed conditions above in addition to the standard licence conditions and subject to compliance with any other recommendations of the Councils Licensing Department.