

**Democratic Services Section  
Chief Executive's Department  
Belfast City Council  
City Hall  
Belfast  
BT1 5GS**



**Belfast  
City Council**

7th August, 2019

**MEETING OF LICENSING COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room - City Hall on Wednesday, 14th August, 2019 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

**AGENDA:**

1. **Routine Matters**

- (a) Apologies
- (b) Minutes
- (c) Declarations of Interest

2. **Delegated Matters**

- (a) Applications Approved Under Delegated Authority (Pages 1 - 10)
- (b) Application for the Provisional Grant of an Amusement Permit - Oasis Gaming Centre, Wellington Place (Pages 11 - 150)
- (c) Competing Stationary Street Trading Licence applications for Fountain Street site (Pages 151 - 156)
- (d) Renewal of a Stationary Street Trading Licence (Pages 157 - 160)
- (e) Institute of Licensing National Training Event (Pages 161 - 166)

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<b>Subject:</b>	<b>Licences Issued Under Delegated Authority</b>
<b>Date:</b>	14 August 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 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>	Under the Scheme of Delegation, the Director of Planning and Building Control is responsible for exercising all powers in relation to the issue, but not refusal, of Permits and Licences, excluding provisions relating to the issue of Licences where adverse representations have been made.
<b>2.0</b>	<b>Recommendations</b>
<b>2.1</b>	The Committee is requested to note the applications that have been issued under the Scheme of Delegation.

<b>3.0</b>	<b>Main report</b>																																																							
<b>3.1</b>	<p data-bbox="236 226 392 255"><b><u>Key Issues</u></b></p> <p data-bbox="236 293 1474 353">Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 the following Entertainments Licences were issued since your last meeting.</p> <table border="1" data-bbox="280 389 1425 2040"> <thead> <tr> <th data-bbox="280 389 775 472"><b>Premises and Location</b></th> <th data-bbox="775 389 983 472"><b>Type of Application</b></th> <th data-bbox="983 389 1425 472"><b>Applicant</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="280 472 775 555">American Bar, 65-65a Dock Street, Belfast, BT15 1LF.</td> <td data-bbox="775 472 983 555">Renewal</td> <td data-bbox="983 472 1425 555">Mr Pedro Donald, The Spare Ltd</td> </tr> <tr> <td data-bbox="280 555 775 658">Ballynafeigh Orange Hall, 413 Ormeau Road, Belfast, Co. 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	<b>Application</b>	
Eastside Visitor Centre, 402 Newtownards Road, Belfast.	Renewal	Mr Chris Armstrong, Avec Solutions
EDO, 3 Capital House, 1-3 Upper Queen Street, Belfast, BT1 6FB.	Grant	Mr Jonny Elliott, Wellington Place Holding Ltd
Falls Bowling & Lawn Tennis Club, 63 Andersonstown Road, Belfast, BT11 9AH.	Renewal	Mr Paul McGeough
Falls Leisure Centre, 15-17 Falls Road, Belfast, BT12	Renewal	Ms Jo Davison, Greenwich Leisure Ltd
Filthy McNastys, 41-45 Dublin Road, Belfast, BT2	Renewal	Mr Michael Moreland, Bachus Inns Ltd
Filthy McNastys , 41-45 Dublin Road, Belfast, BT2	Renewal (outdoor)	Mr Michael Moreland, Bachus Inns Ltd
Fortwilliam Golf Club, 8a Downview Avenue, Belfast, BT15 4EZ.	Renewal	Mr Michael Graham
Fratelli Belfast Ltd, Unit 1, 60 Great Victoria Street, Belfast	Renewal	Mr Colin Johnston, Fratelli Belfast Ltd
Georges at the Market, 1st Floor, St George's Market, Oxford Street, Belfast, BT1 4FG.	Grant	Ms Margaret Allen, Mount Charles Group Ltd
Gilnahirk Presbyterian Church, Jack Britton Hall, 161 Gilnahirk Road, Belfast, BT5 7QP.	Renewal	Ms Anne Milligan
Girdwood Community Hub, 10 Girdwood Avenue, Belfast.	Renewal	Ms Alison Foster, Greenwich Leisure Ltd
Glen Road Community Centre, 2a Carrigart Avenue, Belfast, BT11 9HU.	Renewal	Ms Catherine Taggart, Belfast City Council
Hawthorn Bar, 1-3 Hawthorn Street, Belfast, BT12 7AQ.	Renewal	Mr Philip McCann
Hell Cat Maggie's, 2-6 Donegall Square West, Belfast, BT1 6JA.	Renewal & Variation	Mr Henry Downey, Eagle-Glen Ltd
Highfield Rangers Supporters Club, 9-15 Highgate Terrace, Belfast, BT13 3RQ.	Renewal	Mr William John McQuiston
Katy Dalys, Limelight, & Limelight 2, 17-21 Ormeau Avenue, Belfast, BT2 8HD.	Renewal	Mr Philip Donaldson, The Limelight Belfast Ltd
Laurelglen Roadhouse, 208 Stewartstown Road, Belfast, BT17 0SB.	Renewal	Mr Conall Dunne
Lavery's Bar, 12-22 Bradbury Place, Belfast, BT7 1RS.	Renewal	Mr Bernard Lavery, Lavery Ltd
Lyric Theatre NI, 55 Ridgeway Street, Belfast, BT9	Renewal	Mr Jimmy Fay
<b>Premises and Location</b>	<b>Type of</b>	<b>Applicant</b>

	<b>Application</b>	
Maldron Hotel, DHG Brunswick Ltd, 20 Brunswick Street, Belfast, BT2 7GE.	Renewal	Mr Mike Gatt, DHG Brunswick Ltd
Maverick, 106-110 Donegall Street, Belfast, BT1 2GX.	Renewal	Mr John Mc Elhatton
Mountpottinger Presbyterian Church, 1a Castlereagh Street, Belfast, BT5 4NE .	Grant	Mr Trevor Gill, The Bright Umbrella Drama Co
Muriel's, 12-14 Church Lane, Belfast, BT1 4QN.	Renewal	Ms Janine Kane, JK Pubs Ltd
National Football Stadium, Windsor Park, Donegall Avenue, Belfast, BT12 6LW.	Renewal	Mr Robert David Boyd
Northern Whig House, 2-10 Bridge Street, Belfast, BT1 1LU.	Renewal	Mr Stephen Magorrian, Northern Whig Trading Ltd
Pavilion Bar, 296 Ormeau Road, Belfast, BT7 2GD.	Renewal	Mr Bernard Lavery
Plastik, Mays Meadow, Laganbank Road, Belfast, BT1	Renewal & Transfer	Mr Myles Scullion, Redwave Leisure Ltd
Revolucion de Cuba, 25-39 Arthur Street, Belfast, BT1 4GB.	Renewal	Mr Michael Buckley, Revolucion De Cuba Ltd
Roddy McCorley Social Club, 203 Glen Road, Belfast, BT11	Renewal	Mr Kevin Crawford
Ryans, 116-118 Lisburn Road, Belfast, BT7 3GG.	Renewal	Mr Gavin Bates, Barel Ltd
Sandy Row Community Centre, Sandy Row, Belfast, BT12 5ET.	Renewal	Ms Catherine Taggart, Belfast City Council
Shaftesbury Bowling & Rec. Club, Downing Memorial Park, 20A Annadale Avenue, Belfast, BT7	Renewal	Mrs Eileen Carol Simpson
Shandon Park Golf Club, 73 Shandon Park, Belfast, BT5	Renewal	Mr Kirk Shilliday
Shawsbridge Sports Association, 123 Milltown Road, Belfast, BT8 4XP.	Renewal	Mr Sean Campbell
Short Brothers Recreation Club, 336a Holywood Road, Belfast, BT4 1SL.	Renewal	Mr Jack Edmonds
St Bartholomews Parochial Hall, 183 Stranmillis Road, Belfast, BT9 5EE.	Renewal	Mr Stephen John Green
St Malachys College Old Boys Association, 442 Antrim Road, Belfast, BT15 5GB.	Renewal	Mr Conor Cassidy

<b>Premises and Location</b>	<b>Type of Application</b>	<b>Applicant</b>
The Dirty Onion & Yard Bird, 42 Waring Street, Belfast, BT1	Renewal	Mr James Sinton, Cathedral Leisure Ltd
The Dirty Onion & Yard Bird, 42 Waring Street, Belfast, BT1	Renewal (outdoor)	Mr James Sinton, Cathedral Leisure Ltd
The Doyen, 829-831 Lisburn Road, Belfast, BT9 7GY.	Renewal	Mr Robert Davis, Regency Hotel (NI) Ltd
The Parador, 471-473 Ormeau Road, Belfast, BT7 3GQ.	Renewal	Mr Peter Murray, Blaney Inns Ltd
The Rose and Crown, 140-142 Ormeau Road, Belfast, BT7 2EB.	Renewal	Mr Barry Mc Caughley, L.A Drinks Company Ltd
The Skainos Centre, 239 Newtownards Road, Belfast, BT4 1AF.	Grant	Rev Brian Anderson, Skainos Ltd
The Stadium Bar, 346-348 Shankill Road, Belfast, BT13 3AB.	Renewal	Mr Steven Harrison
Titanic Belfast Limited, 1 Olympic Way, Belfast, BT3 9DP.	Renewal	Ms Judith Owens, Titanic Belfast Ltd
Vault Artist Studios, 4-48 Tower Street, Belfast, BT5 4FH.	Grant	Mr Neal Campbell
W5, Odyssey Pavilion, 2 Queens Quay, Belfast, BT3 9QQ.	Renewal	Ms Lydia Mc Cleland
Woodvale Park Bowling Pavilion, Woodvale Road, Belfast.	Renewal	Mrs Rose Crozier, Belfast City Council
Writers Square, Donegall Street, Belfast, BT1 1ZZ.	Renewal (outdoor)	Mr Michael Pettiegrew, Department For Communities
Writers Square, Donegall Street, Belfast, BT1 1ZZ.	Renewal (marquee)	Mr Michael Pettiegrew, Department For Communities

**3.2** Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 the following Entertainments Licences were issued since your last meeting. In each case the Licence holder has been convicted of an offence under the Order within five years of the application for a Licence being submitted to the Council, however each conviction has previously been considered by the Committee and delegated authority has only been exercised on the basis that:

- a) All safety, technical and managerial matters have been maintained in accordance with the terms, conditions and restrictions of the Entertainments Licence,
- b) There has been no recurrence of the breach for which the applicant was convicted, or any other offences have been committed,
- c) There are no representations in respect of the application.

<b>Premises and Location</b>	<b>Type of Application</b>	<b>Applicant</b>
Bootleggers, 46 Church Lane, Belfast, BT1 4QN.	Renewal	Mr Christopher Wolsey, Quay Street Merchants Ltd
Casement Social Club Casement	Renewal	Ms Maria Toner

Park, 88-100 Andersonstown Road, Belfast, BT11 9BX.		
Red Devil Bar, 194-198 Falls Road, Belfast, BT12 6AG.	Renewal	Mr Martin Rooney, EMC Properties NI Ltd
Thompsons Garage, 3 Pattersons Place, Belfast, BT1 4GW.	Renewal	Mr Stephen Boyd, Endless Music Ltd
Thompsons Garage, 3 Pattersons Place, Belfast, BT1 4GW.	Renewal (Outdoor)	Mr Stephen Boyd, Endless Music Ltd

3.3

Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 the following Amusement Permits were issued since your last meeting.

Premises and Location	Type of Application	Applicant
Funtime, 157a Antrim Road, Belfast, BT15 2GW.	Renewal	Mr Patrick Quinn, P & F Group Ltd

3.4

Under the terms of the Street Trading Act (Northern Ireland) 2001 the following Street Trading Licences were issued since your last meeting.

Location	Type of Application	Commodity	Hours Licensed	Applicant
Ballyhackamore, Strandtown, Bloomfield, Ballymaccarett, Ballynafeigh, Sydenham, Knocknagoney and Belmont	Mobile	Ice cream, confectionery, non-alcoholic beverages	Mon-Fri 1200hrs to 2200hrs	Mr Neal Adair
Castle Place opposite Donegall Arcade	Stationary	Flowers, plants, floral accessories, arts, crafts, balloons, cards	Mon-Sun 0830hrs to 2100hrs	Mr Joseph Rea
		<i>Bus tour tickets</i>	<i>Until 30/04/2020 as per Licensing Committee</i>	
Donegall Quay	Stationary	Hot food and non-alcoholic beverages	Mon-Sun 1000hrs to 2100hrs	Mrs Kylah Dittmar



The following Temporary Street Trading Licences were issued for 12<sup>th</sup> July 2019:

**Dublin Road/ Shaftsbury Square area**

<b>Location</b>	<b>Commodity</b>	<b>Hours Licensed</b>	<b>Applicant</b>
Dublin Road opposite public toilets near Movie House	Ice cream, confectionery, non-alcoholic beverages	0800hrs to 1900hrs	Mr Stephen Baxter
Dublin Road opposite public toilets near Movie House	Donuts, candyfloss, non-alcoholic beverages	0800hrs to 1900hrs	Mr Stephen Baxter
Dublin Road outside Movie House	Flags, hats, toys, band poles & novelty items	0800hrs to 2100hrs	Miss Muriel Gilliland
Dublin Road at junction with Marcus Ward Street	Hot food, non-alcoholic beverages	0700hrs to 1900hrs	Miss Kathy Finn
Dublin Road at junction with Salisbury Street near Oxfam shop	Hot food, non-alcoholic beverages	0700hrs to 1900hrs	Mr Hakan Sen
Dublin Road at junction with Pakenham Street	Hot food, non-alcoholic beverages	0700hrs to 1900hrs	Miss Kathy Finn
Dublin Road at junction with Fulton Street	Hot food, non-alcoholic beverages	0700hrs to 1900hrs	Miss Kathy Finn
Dublin Road at junction with Fulton Street	Ice cream, confectionery, non-alcoholic beverages	0800hrs to 1800hrs	Mr George Pirie
Shaftsbury Square beside Halifax building	Hot food, non-alcoholic beverages	0800hrs to 1800hrs	Mr George Pirie

**Lisburn Road/ Balmoral Avenue area**

<b>Location</b>	<b>Commodity</b>	<b>Hours Licensed</b>	<b>Applicant</b>
Lisburn Road at junction with Bradbury Place/ Sandy Row outside Spar shop	Hot food, non-alcoholic beverages	0800hrs to 2000hrs	Miss Marion Dougan
Donegall Road near junction with Sandy Row	Hot food, non-alcoholic beverages	0800hrs to 2000hrs	Miss Marion Dougan
Lisburn Road beside Bradbury Clinic opp. Fountainville Ave	Flags, hats, toys, band poles, novelty items.	0700hrs to 2100hrs	Miss Muriel Gilliland
Lisburn Road outside 98-102 Lisburn Road	Flags, drums, band poles, toys hats, novelty items.	0700hrs to 1900hrs	Mr John McLoughlin

Lisburn Road at junction with Jubilee Road	Ice cream, confectionery, non-alcoholic beverages	0900hrs to 2100hrs	Mr John Gibson
Lisburn Road in lay-by near junction with Tate's Avenue	Ice cream, confectionery, non-alcoholic beverages	0800hrs to 1800hrs	Mr George Pirie
Lisburn Road near junction with Edinburgh Street outside Windsor Social club	Hats, flags, toys, band poles, novelty items.	0800hrs to 1800hrs	Mr Raymond Coulter
Lisburn Road outside 237 Lisburn Road	Donuts, non-alcoholic beverages.	0800hrs to 2000hrs	Miss Elizabeth Sharpe
Lisburn at junction with Lower Windsor Ave	Hot food, non-alcoholic beverages.	0800hrs to 2000hrs	Mrs Lorene Johnston
Lisburn Road at junction with Derryvolgie Avenue	Toys, drums, flags, hats, novelty items.	0800hrs to 2000hrs	Mr Nathan Johnston
Lisburn Road outside Warnocks, 793 Lisburn Road	Ice cream, non-alcoholic beverages.	0800hrs to 2000hrs	Mr Robert Crooks
Lisburn Road near bridge over Stockman's Lane	Ice cream, confectionery, non-alcoholic beverages.	0900hrs to 2100hrs	Mr John Gibson
Balmoral Avenue near junction with Lisburn Road	Toys, drums, flags, hats, novelty items	0800hrs to 2000hrs	Mr Robert Crooks
Balmoral Avenue near junction with Malone Park Lane	Ice cream, confectionery, non-alcoholic beverages	0830hrs to 1830hrs	Mr Wayne Adair
Balmoral Avenue near junction with Malone Road	Ice cream, confectionery, non-alcoholic beverages	0900hrs to 2100hrs	Mr John Gibson

**Shaw's Bridge roundabout area**

<b>Location</b>	<b>Commodity</b>	<b>Trading times</b>	<b>Applicant</b>
Shaw's Bridge roundabout on grass verge in front of House of Sport	Cold food, non-alcoholic beverages	0800hrs to 1900hrs	Mr Stephen Baxter
Shaw's Bridge roundabout on grass verge in front of House of Sport	Donuts, non-alcoholic beverages	0800hrs to 1800hrs	Mr Desmond Hill
Shaw's Bridge roundabout on grass verge in front of House of Sport	Toys, flags, drums, drumsticks, hats, band poles.	0700hrs to 1900hrs	Mr James Bell
Shaw's Bridge roundabout on grass verge in front of House of Sport	Hot food, non-alcoholic beverages	0700hrs to 1900hrs	Mr David Deacon

Shaw's Bridge roundabout on grass verge in front of House of Sport	Hot food, non-alcoholic beverages	0700hrs to 1900hrs	Mr David Deacon
Shaw's Bridge roundabout on grass verge in front of House of Sport	Crepes, non-alcoholic beverages	0900hrs to 1400hrs	Mrs Elaine Morrison

**Temporary Mobile Traders on main parade route 12th July 2019**

<b>Locations</b>	<b>Commodity</b>	<b>Trading times</b>	<b>Applicant</b>
Dublin Road, Shaftsbury Square, Bradbury Place, Lisburn Road, Balmoral Avenue and Malone Road	Flags, hats, scarves, toys, poles	0800hrs to 2000hrs	Mr Robert Crooks
Dublin Road, Shaftsbury Square, Bradbury Place, Lisburn Road, Balmoral Avenue and Malone Road	Flags, hats, scarves, toys, poles	0800hrs to 2000hrs	Mr Nathan Johnston

3.5

Under the terms of the Road Traffic Regulation (Northern Ireland) Order 1997 the following Road Closure Orders were made since your last meeting.

<b>Location</b>	<b>Type of Activity</b>	<b>Date and Hours permitted</b>	<b>Applicant</b>
Rugby Road	Street Party	08 June 2019 10:00 – 18:00	Ms Sophie Rasmussen
Kings Road	Street Party	09 June 2019 14:00 – 18:00	Ms Patricia Kearny
Cross Parade	Street Party	16 June 2019 08:00 – 14:00	Ms Martina Klapkova
Tweskard Park	Street Party	01 September 2019 13:00 – 17:00	Ms Bridget Fulton

3.6

**Financial & Resource Implications**

None

3.7

**Equality or Good Relations Implications/Rural Needs Assessment**

There are no issues associated with this report.

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<b>Subject:</b>	<b>Application for the Provisional Grant of an Amusement Permit for Oasis Gaming Centre, Wellington Place</b>
<b>Date:</b>	14 <sup>th</sup> August, 2019
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Moira Dougherty, Senior Building Control Surveyor, ext. 2458

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

<b>1.0</b>	<b>Purpose of Report or Summary of Main Issues</b>				
1.1	To consider an application from Oasis Retail Services Limited, for the provisional grant of an Amusement Permit under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.				
1.2	Members are reminded that the Licensing Committee, at its meeting on 19 <sup>th</sup> June 2019, agreed to defer consideration of the application until your next meeting to allow the Committee to review the additional information that had been published in Appendix 2 of the report.				
1.3	<table style="width: 100%; border: none;"> <thead> <tr> <th style="width: 50%; text-align: left;"><b>Premises and Location</b></th> <th style="width: 50%; text-align: left;"><b>Applicant</b></th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;">                     Oasis Gaming Centre                      7 and area to the rear of 9                      Wellington Place                      Belfast                      BT1 6GB                 </td> <td style="vertical-align: top;">                     Oasis Retail Services Ltd.                      Oasis House,                      Mallusk Drive                      Newtownabbey                 </td> </tr> </tbody> </table>	<b>Premises and Location</b>	<b>Applicant</b>	Oasis Gaming Centre 7 and area to the rear of 9 Wellington Place Belfast BT1 6GB	Oasis Retail Services Ltd. Oasis House, Mallusk Drive Newtownabbey
<b>Premises and Location</b>	<b>Applicant</b>				
Oasis Gaming Centre 7 and area to the rear of 9 Wellington Place Belfast BT1 6GB	Oasis Retail Services Ltd. Oasis House, Mallusk Drive Newtownabbey				
1.4	The Directors of Oasis Retail Services Limited are Mr Gerald Steinberg (Chairman) and Mr Martin Trimble (Managing Director).				
1.5	A location map is attached as Appendix 1.				

<b>2.0</b>	<b>Recommendations</b>
2.1	<p>The current policy, dictated by the governing Order, is that the Committee, in considering the application for the Provisional Grant of an Amusement Permit, shall have regard to:</p> <ol style="list-style-type: none"> <li>a) The fitness of the applicant to hold a Permit having regard to his character, reputation and financial standing,</li> <li>b) The fitness of any other person by whom the business is to be carried on under the Permit would be managed, or for whose benefit that business would be carried on,</li> <li>c) Representation, if any, from the sub-divisional commander of the Police Service of Northern Ireland in whose sub-division the premises are situated, and</li> <li>d) Representation, if any, as a result of the public notices of advertisement.</li> </ol>
2.2	<p>You are then required to make a decision based on the following options set out under the Order. You must refuse the application unless satisfied that:</p> <ol style="list-style-type: none"> <li>a) The applicant is a fit person to hold an Amusement Permit; and</li> <li>b) The applicant will not allow the business proposed to be carried on under the Amusement Permit to be managed by, or carried on for the benefit of, a person other than the applicant who would himself be refused the grant of an Amusement Permit.</li> </ol>
2.3	<p>Thereafter:-</p> <ol style="list-style-type: none"> <li>1. You may refuse the application after hearing any representations from third parties, or</li> <li>2. You may grant the application, subject to the mandatory condition that the premises are not to be used for an unlawful purpose or as a resort of persons of known bad character, and</li> </ol>
2.4	<p>In the case of premises, that have machines with the maximum cash prize of £25.00, where admission is restricted to persons aged 18 or over that –</p> <ul style="list-style-type: none"> <li>• no persons under 18 are admitted to the premises; and</li> <li>• at any entrance to, and inside any such premises there are prominently displayed notices indicating that access to the premises is prohibited to persons aged under 18, and in addition</li> </ul> <ol style="list-style-type: none"> <li>3. You may also grant the application subject to discretionary conditions outlined in the Order relating to the illumination of the premises, advertising of, and window displays on the premises and the display of information notices.</li> </ol>
2.5	<p>Should you be of a mind to refuse the application for the provisional grant of an Amusement Permit or grant the Permit subject to any discretionary conditions you are required to advise the applicant of your intention to do so. In this case you must afford the applicant the opportunity to make representations at a specified Licensing Committee meeting on the matter before making a final determination of the application.</p>
2.6	<p>If, subsequent to hearing the applicant, you refuse the application for the Provisional Grant of an Amusement Permit or decide to grant the application subject to discretionary conditions the applicant may appeal that decision to the County Court.</p>

<b>3.0</b>	<b>Main report</b>
	<b><u>Key Issues</u></b>
3.1	Members are reminded that the Licensing Committee is responsible and has full delegated authority for determining all applications relating to the grant and provisional grant of Amusement Permits.
3.2	Members are advised that an application for the provisional grant of an amusement permit at 7 Wellington Place was refused by Council on the 1 <sup>st</sup> December 1999. Oasis Retail Services Limited appealed the Council decision which Deputy Judge Fitzpatrick overturned on 5 <sup>th</sup> October 2000 and the permit was issued. The permit has been renewed each year since then.
3.3	As there is no mechanism within the Order to cater for the extension to an existing premise, as is happening in this case, an application must be made for the provisional grant of an Amusement Permit for the ground floor of 7 and area to the rear of 9 Wellington Place.
3.4	Application to renew the existing Amusement Permit for 7 Wellington Place was received on 28 May 2019 and that premises continues to operate.
	<b><u>Applicant</u></b>
3.5	The applicant has requested to operate the proposed premises 7 days per week on Monday to Saturday from 9:00 am to midnight and on Sunday from 11:30 am to midnight with the actual opening hours being based upon demand. The current opening hours for the existing permit for 7 Wellington Place, as indicated on their application form, are 00.01 am to midnight, Monday to Sunday. However, the applicant has confirmed that the requested hours are those the current premises operate.
3.6	The permit is for a total of 100 gaming machines, all of which are to pay out a maximum all cash prize of £25.00. In the case of premises which have machines with a maximum cash prize of £25.00 admission is restricted to persons aged 18 or over.
3.7	The applicant has confirmed there will be no increase in the number of machines as the current Amusement Permit is for a total of 100 gaming machines. The actual number of machines during an inspection at No. 7 on the 19 July 2019 was 69 machines.
3.8	The applicant has submitted a statement in support of the application that is included as Appendix 2. This appendix includes the additional information that Members wished to review.
3.9	Mr Trimble and/or his representatives will be available to discuss any matters relating to the grant of the permit at your meeting.
	<b><u>PSNI</u></b>
3.10	The PSNI has been consulted and confirmed that they have no objections to the application. A copy of their correspondence is attached as Appendix 5.
	<b><u>NIFRS</u></b>
3.11	The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and confirmed that they have no objections to the application.

**Health, Safety, Welfare and Technical requirements**

3.12 Officers from the Service have met with the applicant to discuss the application and status of the premise. The applicant has confirmed that a Building Regulations application will be made to the Service for the building work that will be required to create the new arcade layout.

**Planning matters**

3.13 A planning application was made to the Planning Service on the 20<sup>th</sup> December 2017 for demolition of a partition wall to amalgamate part of No. 9 Wellington Place into No.7 Wellington Place to extend the existing amusement/gaming centre use, conversion from retail use and the subdivision of No.9 Wellington Place to form a retail unit. This was granted on the 18<sup>th</sup> April 2018.

3.14 A copy of the planning permission is attached as Appendix 3.

3.15 The Committee may be aware that in an important Court of Appeal decision in June 1999, it was confirmed that the Council, in determining applications for Amusement Permits, may take into account planning considerations but should be slow to differ from the views of the Planning Authority.

3.16 The Court also confirmed that the Council can take into account matters such as location, structure, character and impact on neighbours and the surrounding area.

**Amusement Permit Policy**

3.17 Members are advised that the Council's Amusement Permit Policy was ratified at Council on 1st May 2013. It outlines those matters which may be taken into account in determining any application and indicates that each application must be assessed on its own merits.

3.18 The key interrelated Policy objectives are to:

1. Promote the retail vibrancy and regeneration of Belfast;
2. Enhance the tourism and cultural appeal of Belfast by protecting its image and built heritage;
3. Support and safeguard residential communities in Belfast;
4. Protect children and vulnerable persons from being harmed or exploited by gambling;
5. Respect the need to prevent gambling from being a source of crime and disorder.

3.19 The Policy consists of two components which are considered below:

1. Legal requirements under the 1985 Order

3.20 Members must have regard to the legal requirements under the 1985 Order relating to:

(a) The character, reputation and financial standing of the applicant:

3.21 References for those associated with the application are attached as Appendix 4 to the report for consideration.

(b) The nature of the premises and activity proposed:

3.22 To ensure that the nature of the premises proposed is suitable for this location Members may consider how the premises are illuminated, the form of advertising and window display, and how notices are displayed on the premises. Whilst the appearance of amusement arcades is considered a planning matter, Members may still wish to be satisfied that the façade integrates with adjacent frontages.



	(c) Opinions of the Police:
3.23	PSNI comments have been sought and they have confirmed they have no objection to the application. Their response is attached as Appendix 5.
	(d) Submissions from the general public:
3.24	No objections have been received as a result of the public notices placed in three local newspapers.
	<u>2. Assessment criteria for suitability of a location</u>
3.25	There are five criteria set out in the Policy that should typically be considered when assessing the suitability of a location for an amusement arcade. These are detailed below as they relate to this application.
3.26	Before considering each of these criterion it should be noted at the outset that this is a grant application because of a proposed extension to the existing arcade to incorporate the adjacent vacant unit.
	<b>(a) Retail vibrancy and viability of Belfast:</b>
3.27	The application seeks to extend an existing amusement arcade at 7 Wellington Place into the rear ground floor of the adjoining property at 9 Wellington Place. The existing retail unit at 9 Wellington Place has been vacant for some time. Its retail area will be reduced in size as a consequence of this application but the front part of the building will be retained for retail use. The front part of 9 Wellington Place does not form part of this application and will be unaffected by the proposal, it will be approximately a third of the floor area of the original retail unit.
3.28	The adjoining unit on the other side of the application site is in office use. The application would not therefore result in the break-up of a continuous shopping front.
3.29	The Strategic Planning Policy Statement ('SPPS') for Northern Ireland was published by DfI in September 2015. It is regional policy that the SPPS is a statement of DfI policy on important planning matters that should be addressed across Northern Ireland. It was agreed by the Northern Ireland Executive and to be in general conformity with the Regional Development Strategy 2035.
3.30	Sustainable development is at the heart of the SPPS. Whilst there are a variety of expressions of the term sustainable development one of the more widely accepted definitions is to be found under Resolution 42/187 of the United Nations Assembly which defines sustainable development as ' <i>meeting the needs of the present without compromising the ability of future generations to meet their own needs.</i> '
3.31	In SPPS there is a town centre-first approach to the location of "main town centre uses", a term which includes leisure and entertainment uses. Amusement arcades or gaming centres are not specifically mentioned in the SPPS as being a leisure or entertainment use, though it is acknowledged that they could be regarded as leisure uses. The latter notwithstanding, an amusement arcade is still considered a sui generis use, i.e. of its own kind, that is subject to specific planning and licensing (permit) control.
3.32	The Council's Amusement Permit Policy resonates with the SPPS in that it recognises that town centres offer opportunities to accommodate leisure uses such as amusement arcades. However, unlike the generalised contents of the SPPS, the Amusement Permit Policy further

	<p>qualifies that there is a presumption against locating them in the Retail Core of the City Centre in the desire to encourage retailing here.</p>
3.33	<p>The application premises are situated within the Belfast City Centre Retail Core, as defined in the Belfast Metropolitan Area Plan 2015 (dBMAP). Whilst it is the extension of an existing amusement arcade premises it must be considered a new application for the purpose of the Betting, Gaming, Lotteries and Amusements (NI) Order 1985.</p>
3.34	<p>The Policy indicates that, outside of renewal applications, there is a presumption against granting permits for amusement arcades in the Retail Core unless they are related to a major, retail led, mixed use development or an upper storey development. Viewed in this context it could be considered that the application runs contrary to the Council's Amusement Permit Policy.</p>
3.35	<p>However, Committee must have regard to the fact that the unit has been vacant for a considerable time and that this proposal will retain the existing shopping frontage at 9 Wellington Place which is likely to have limited impact on the retail vibrancy of the Retail Core. The Planning Service attached significant weight to the retention of this frontage when approving the application.</p>
	<p><b>(b) Cumulative build-up of amusement arcades in a particular location:</b></p>
3.36	<p>In the desire to promote retailing in the City Centre the Council is keen to avoid a clustering of amusement arcades at a given location. The nearest amusement arcade to the application site on Wellington Place is Onassis Amusements at 17-19 Queen Street. This is located circa 200m walking distance away and on a different commercial frontage. The next nearest is Funtime Amusements at 91 Castle Street, which is located approximately 350m walking distance away. Due to the separation distances between amusement arcades in this area it is considered that the proposal does not contribute to cumulative build up.</p>
3.37	<p>However, this is contrary to a provision in the Council's Amusement Permit Policy where there is a restriction on allowing a ground floor extension or merger of an existing establishment into an adjoining unit. This provision is intended to prevent clustering in a particular location caused by the gradual accretion of amusement arcades, via extensions, along the length of a commercial frontage.</p>
3.38	<p>In that context, consideration must be given to the fact that the extension of the amusement arcade is partial and will not affect the front of the adjoining property (9 Wellington Place). The proposed extension to the rear of the adjoining unit will not therefore result in the loss of a retail façade along the Wellington Place commercial frontage.</p>
3.39	<p>In assessing cumulative build up the Committee is required to more broadly consider the issue of the proliferation of permits and the effect of the same on the character and amenity of area rather than simply whether there is more than one amusement arcade in a commercial frontage.</p>
3.40	<p>A map of nearby licensed premises and existing or proposed amusement arcades in the City Centre is attached to this report at Appendix 6.</p>
	<p><b>(c) Impact on the image and profile of Belfast:</b></p>
3.41	<p>The application premises have no neighbouring property which is a tourism asset, nor are they located at a Gateway location.</p>

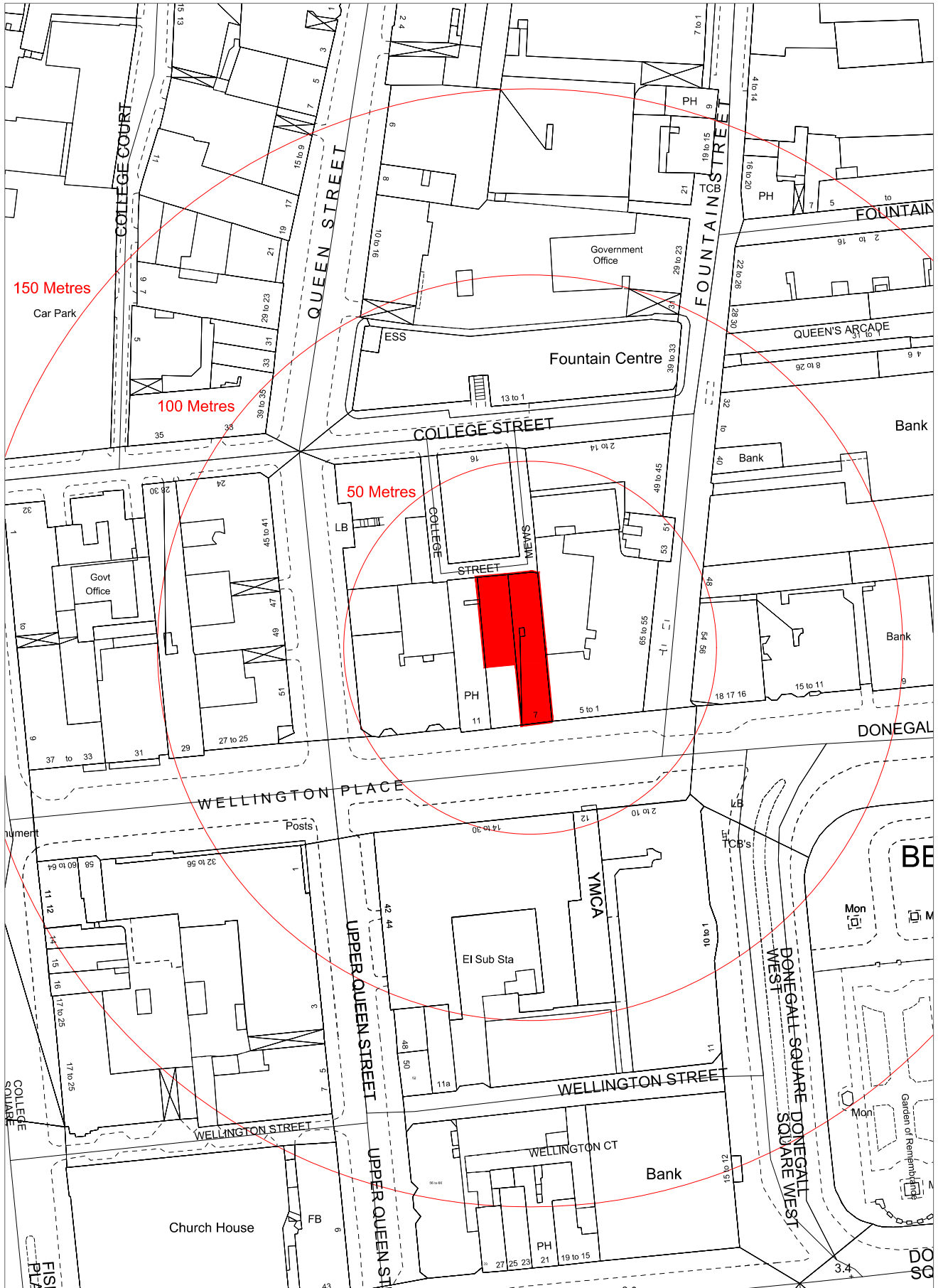
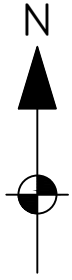
<p>3.42</p> <p>3.43</p> <p>3.44</p> <p>3.45</p> <p>3.46</p> <p>3.47</p>	<p><b>(d) Proximity to residential use:</b></p> <p>The application premises are located in the main commercial frontage of Wellington Place, where there are a mix of uses including restaurants and retail units. There are no residential properties immediately adjacent to the premises. The nearest residential property is the purpose built student accommodation on the corner of Wellington Place and Queen Street.</p> <p><b>(e) Proximity to schools, youth centres, and residential institutions for vulnerable people:</b></p> <p>There are no schools, youth centres, or residential institutions for vulnerable people within 200m of the application premises.</p> <p><b><u>Conclusion</u></b></p> <p>Whilst the application premises may not strictly comply with all assessment criteria for the suitability of the location as laid down in the Council's Amusement Permit Policy, the Committee can depart from those criteria where it is considered appropriate to do so. Any non-compliance in this regard is finely balanced due to the fact that this is a partial extension into the rear of an adjoining unit at No.9 Wellington Place. This partial extension ensures that the front part of this adjoining unit will be retained for retail purposes within the Retail Core. This appreciably mitigates Council's concerns for loss of retail vibrancy and cumulative build-up of amusement arcades.</p> <p>Planning Service was made aware of this when determining the planning application but determined that the application was acceptable in planning policy terms.</p> <p><b><u>Financial &amp; Resource Implications</u></b></p> <p>There are no financial or resource implications associated with this report.</p> <p><b><u>Equality or Good Relations Implications</u></b></p> <p>There are no equality or good relations issues associated with this report.</p>
<p><b>4.0</b></p>	<p><b>Appendices – Documents Attached</b></p>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Location map</li> <li>• Appendix 2 – Oasis supporting statement</li> <li>• Appendix 3 – Copy of the planning permission</li> <li>• Appendix 4 – References</li> <li>• Appendix 5 – PSNI comments</li> <li>• Appendix 6 – Map showing land uses and existing permits in City Centre area</li> </ul>

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# Building Control Service

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DRAWN BY MT  
DATE 13/03/2019

Page 19  
7-9 Wellington Place

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of the Local Government Act (Northern Ireland) 2014.

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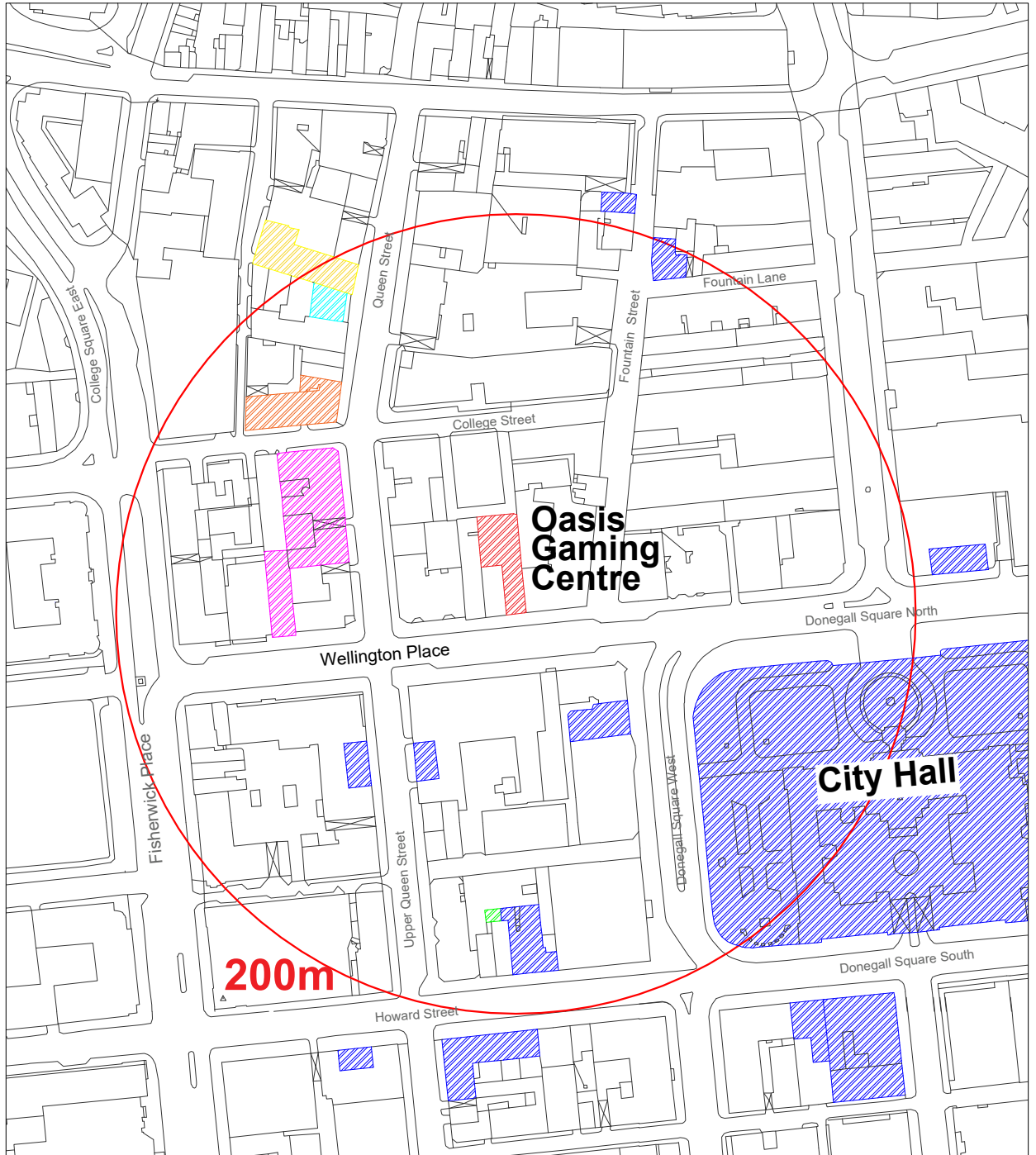
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






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- |   |                        |   |                     |
|---|------------------------|---|---------------------|
|  | Entertainments Licence |  | Oasis Gaming Centre |
|  | Bingo Licence          |  | Onassis Amusements  |
|  | Bookmaker Licence      |  | Residential         |
|  | Registered Club        |   |                     |

Drawn By **ABU**  
Date **12/06/2019**

**Oasis Gaming Centre**  
**7-9 Wellington Place**

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<b>Subject:</b>	<b>Competing Stationary Street Trading Licence applications for Fountain Street site</b>
<b>Date:</b>	14 August 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>	
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"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

<b>Call-in</b>	
Is the decision eligible for Call-in?	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 three separate and competing Street Trading Licence applications to trade at the designated site in Fountain Street 20ft from the junction with Wellington Place.
<b>1.2</b>	One of the applicants currently holds a Stationary Street Trading Licence to trade at the designated site in Lombard Street near the junction with High Street. The other two applicants applying for the pitch have never previously held a Street Trading Licence in Belfast.
<b>1.3</b>	Members are reminded that the normal process for dealing with competing Street Trading Licence applications is that the Service will bring the matter to your attention for consideration.
<b>1.4</b>	All the applications comply with the designation resolution for the site.
<b>1.5</b>	Details of the applications are outlined below:

**Applicant 1**

**1.6** Mr Sean Donnelly has applied for the grant of a Stationary Street Trading Licence at the designated site in Fountain Street to sell tour tickets and tour memorabilia. The proposed times of trading are Monday to Sunday from 9.00 am to 5.00 pm. Mr Donnelly proposes to use a stall on wheels measuring 3m by 1.5m.

**1.7** Members may wish to note that Mr Donnelly is a director of Titanic and City Tours.

**Applicant 2**

**1.8** Mr Francis Brown has applied for the grant of a Stationary Street Trading Licence at the designated site in Fountain Street to sell bespoke street signs, arts and crafts and bus tour tickets from a trailer measuring 3m by 1m designed to replicate a City Sightseeing tour bus. The proposed times of trading are Monday to Sunday from 9.00 am to 9.00 pm.

**1.9** Mr Francis Brown currently holds a Stationary Street Trading Licence to trade at the designated site in Lombard Street near the junction with High Street selling Belfast themed artwork and photographs, baseball caps, t-shirts, bookmarks, key rings, tablemats, diaries, belts, calendars, ponchos, Celtic crafted plaques, hurling sticks, bus tour tickets, St Patrick's day and Pride hats, flags, whistles and necklaces. The proposed times of trading are Monday to Sunday from 9.00am to 9.00pm.

**1.10** Mr Brown has held this Stationary Street Trading Licence since January 2007.

**1.11** This application is for an additional Licence.

**1.12** Members may wish to note that Mr Brown sells tickets for City Sightseeing.

**Applicant 3**

**1.13** Mr Michael Kerr has applied for the grant of a Stationary Street Trading Licence at the designated site in Fountain Street to sell wrapping paper, cards, confectionery, hot and cold beverages, lighters, toys, bus tour tickets, taxi tour and other tour tickets available, souvenirs, jokes, flowers, plants, e-cigarettes and accessories, hats and gloves, novelty and occasion accessories, accessories for Easter, Valentine's Day and Mother's Day, Halloween and Christmas from a traditional market stall measuring 3.65m by 2.44m. The proposed times of trading are Monday to Sunday from 8.00 am to 10.00 pm.

**1.14** Mr Kerr's stall measures 3.65m by 2.44m, this is larger than a normal City centre pitch of 3m by 1.5m.

**1.15** The Council can permit a larger stall design where there is sufficient space. When an application is for a larger than normal stall (3m x 1.5m) statutory consultees who were consulted at the time the pitch was designated for street trading are asked for their views on the increased size. The PSNI, DfI Roads and BCCM have no objections to the increased size of stall.

**1.16** Members may wish to note that Mr Kerr has not indicated which bus tour company he intends selling tickets for.

<b>2.0</b>	<b>Recommendations</b>
<p><b>2.1</b></p> <p><b>2.2</b></p> <p><b>2.3</b></p> <p><b>2.4</b></p>	<p>Based on the submissions presented and considering any amendments to the applications, the Committee is requested to consider each application in turn, taking into account Section 5 of the Street Trading Licensing Policy outlined in paragraph 3.5, and decide whether it is minded to:</p> <ol style="list-style-type: none"> <li>1. Grant and approve the Licence to Mr Sean Donnelly; or</li> <li>2. Grant and approve the Licence to Mr Francis Brown; or</li> <li>3. Grant and approve the Licence to Mr Michael Kerr; or</li> <li>4. Grant and approve the Licence to one of the applicants with additional Conditions, and then;</li> <li>5. Refuse the Licence application, under the discretionary grounds as outlined at paragraph 2.3 above, of the applicants who have not been granted a Licence.</li> </ol> <p>Members may attach any reasonable Conditions when granting a Street Trading Licence.</p> <p>When minded to refuse a Licence application, the applicant must be informed that they will be permitted to make representation regarding the refusal to the Council, with such representations to be made not less than 21 days from the date of notice.</p> <p>As a consequence, the actual decision to grant and refuse the Licences will be considered at a meeting on a later date. There is a right of appeal to the Magistrate’s Court against any refusal on these grounds.</p>
<b>3.0</b>	<b>Key Issues</b>
<p><b>3.1</b></p> <p><b>3.2</b></p> <p><b>3.3</b></p>	<p>The Street Trading Act (Northern Ireland) 2001 (the Act) places a statutory obligation on a district council to grant an application for a Street Trading Licence unless there are sufficient grounds to refuse it.</p> <p>Section 8 of the Act sets out circumstances in which an application must be refused, however there are no such grounds of refusal applicable to these licence applications.</p> <p>Section 9 of the Act sets out discretionary grounds under which a district council may refuse to grant an application.</p> <p>a. That –</p> <ol style="list-style-type: none"> <li>i. The location at which the applicant wishes to trade as a stationary trader is unsuitable;</li> <li>ii. The space in the designated street in which the applicant wishes to trade as a stationary trader is inadequate for the applicant to do so without causing undue interference or inconvenience to persons or vehicles using the street;</li> <li>iii. The area or areas of the district in which the applicant wishes to trade as a mobile trader are unsuitable for the applicant to do so without causing undue interference or inconvenience to persons or vehicles in the area or areas;</li> <li>iv. There are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade;</li> </ol>

- v. The nature of the articles, things or services in which the applicant wishes to trade is such that their sale or supply, or their preparation for sale or supply, would adversely affect the general amenity of the area in which the applicant wishes to trade;
- b. That the applicant has, in connection with the application, made a statement which he knows to be false in a material particular;
- c. That the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence;
- d. That the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;
- e. That the applicant has at any time been granted a street trading licence by the council, which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to the council in respect of the licence;
- f. That the applicant has failed to provide the particulars required by the council to deal with the application;
- g. That the applicant has failed to provide or identify suitable or adequate arrangements for storing any articles, things or receptacles in or with which he proposes to trade.

There is a right of appeal to the Magistrate's Court against any refusal on these grounds.

**3.4** Members are reminded that the Council, in March 2011, agreed an amended Street Trading Licensing Policy to allow for circumstances where there are two or more applications for the same designated pitch within the City.

**3.5** Section 5 of the Policy provides guidance on how to deal with competing licence applications and states that without prejudice to the discretionary grounds for refusing an application the Council may also take the following into account:

1. The suitability of the application in the context of the area or street;
2. The suitability of allowing more than one application in the area or street;
3. The commodities or services which each applicant intends to sell or supply;
4. The merits of each application in the context of the character and appearance of the proposed area;
5. Whether a mobile trader/a number of mobile traders will affect the character and appearance of the proposed area;
6. Any potential adverse impact caused to the character and appearance of the proposed location by the application, by a mobile trader or by a number of mobile traders;
7. The extent to which the sale of the commodity will provide a useful service not otherwise provided in the area.

**3.6** Committee is reminded that, at your meeting on the 19 September 2018, when considering whether to allow for the sale of bus tour tickets at another site, you agreed that any resulting applications to sell bus tour tickets would be considered by the Committee and, if approved,

	be granted on a one-year trial basis. Committee may wish to do likewise when considering these applications.
3.7	The applicants have been invited to appear before Committee and make a brief presentation on matters such as how the business will be operated, the design of the stall, how the commodities they propose to sell will add to the area and address any concerns with their proposals.
3.8	After considering representations from the applicants you will then be required to make a minded to decision to grant one of the applications and minded to refuse the others. Committee need to give grounds as to why they are minded to refuse the applications.
3.9	Committee is reminded that the applicants for the Licence who you are minded to refuse will be permitted to make written representation to the Council. As a consequence, the actual decision to grant and refuse the Licences will be considered at a meeting on a later date.
	<b><u>Financial &amp; Resource Implications</u></b>
3.10	If the Committee grants a Licence, the Stationary Street Trading Licence fee is as follows: <ul style="list-style-type: none"> <li>• Application Fee of £150, and</li> <li>• A Licence fee, for Monday to Sunday, of £1250 per annum.</li> </ul>
	<b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b>
3.11	There are no issues associated with this report.
4.0	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"> <li>• None</li> </ul>

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<b>Subject:</b>	<b>To consider the renewal of a Stationary Street Trading Licence</b>
<b>Date:</b>	14 August 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>	
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"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

<b>Call-in</b>	
Is the decision eligible for Call-in?	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 refusing the renewal of the Stationary Street Trading Licence held by Mr Joseph Kerr for continued non-payment of Licence fees and failure to use the Street Trading Licence to a reasonable extent.
<b>1.2</b>	At your meeting on 10 April 2019 Committee agreed to use your discretionary power to refuse to renew Mr Kerr's Stationary Street Trading Licence which allows him to trade in Fountain Lane (45ft from its junction with Donegall Place).
<b>2.0</b>	<b>Recommendations</b>
<b>2.1</b>	Taking into account the information presented and, after considering Mr Kerr's representation, you are required to make a decision to either: <ol style="list-style-type: none"> <li>1. Confirm your decision of 10 April 2019 and refuse the renewal of the Stationary Street Trading Licence, or</li> </ol>

<p><b>2.2</b></p> <p><b>2.3</b></p>	<p>2. Rescind your decision of 10 April 2019 and decide not to refuse the renewal of the Stationary Street Trading Licence.</p> <p>If Committee decides not to refuse the renewal of Licence, Members are asked to consider making it a requirement that the Licence will only be granted if Mr Kerr pays his Licence fee of £1,250 in full for the year and that any subsequent Licence must be renewed annually and the licence fee paid in full. That is in addition to paying off the debt on this Licence.</p> <p>If the Licence is refused, Mr Kerr may appeal the Council's decision within 21 days of notification of that decision to the Magistrates' Court. If an appeal is lodged the Licensee may continue to operate under the terms of the existing licence until such times as the Court make a determination in relation to the appeal.</p>
<p><b>3.0</b></p>	<p><b>Main report</b></p>
<p><b>3.1</b></p> <p><b>3.2</b></p>	<p><b><u>Key Issues</u></b></p> <p><b>Legislative background</b></p> <p>The Street Trading Act (NI) 2001 places a statutory obligation on the Council to grant an application for a Street Trading Licence unless there are sufficient grounds to refuse it.</p> <p>Section 9 (1) of the Act sets out discretionary grounds under which a district council may refuse an application. These are as follows:</p> <p>a. That –</p> <ul style="list-style-type: none"> <li>i. The location at which the applicant wishes to trade as a stationary trader is unsuitable;</li> <li>ii. The space in the designated street in which the applicant wishes to trade as a stationary trader is inadequate for the applicant to do so without causing undue interference or inconvenience to persons or vehicles using the street;</li> <li>iii. The area or areas of the district in which the applicant wishes to trade as a mobile trader are unsuitable for the applicant to do so without causing undue interference or inconvenience to persons or vehicles in the area or areas;</li> <li>iv. There are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade;</li> <li>v. The nature of the articles, things or services in which the applicant wishes to trade is such that their sale or supply, or their preparation for sale or supply, would adversely affect the general amenity of the area in which the applicant wishes to trade;</li> </ul> <p>b. That the applicant has, in connection with the application, made a statement which he knows to be false in a material particular;</p> <p>c. That the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence;</p> <p>d. That the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;</p>



- e. That the applicant has at any time been granted a street trading licence by the council, which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to the council in respect of the licence;
- f. That the applicant has failed to provide the particulars required by the council to deal with the application;
- g. That the applicant has failed to provide or identify suitable or adequate arrangements for storing any articles, things or receptacles in or with which he proposes to trade.

**Application background**

- 3.3 Mr Joseph Kerr has applied to renew his Stationary Street Trading Licence, which allows him to trade in Fountain Lane (45ft from its junction with Donegall Place) selling confectionery, toys, clothing accessories, Halloween accessories, gift-wrap, souvenirs and tour tickets including bus tours. The Licence permits trading from Monday to Sunday from 08.00hrs to 22.00hrs.
- 3.4 Committee is reminded that Mr Kerr has a long history of non-payment of Licence fees. The Licensing Committee previously reconsidered the Licences held by Mr Kerr, for sites at Fountain Lane and Fountain Street, for the non-payment of the Licence fees at their meeting on the 19 March 2014, 17 October 2018 and 12 December 2018.
- 3.5 At your meeting on 10 April 2019, you agreed to use your discretionary power to refuse to renew Mr Kerr's Stationary Street Trading Licence. However, the Act requires that he be afforded the opportunity to make representation relating to the proposal, which must be considered by Committee, before a final decision is made on the application.
- 3.6 Mr Kerr was notified of the Committee decision and invited to make representation but to date, no representation has been received and no payments have been made.
- 3.7 At your meeting in October 2018 the Committee revoked the other Stationary Street Licence Mr Kerr held for Fountain Street for the non-payment of fees.
- 3.8 At your meeting in December 2018, Committee considered representation from Mr Kerr regarding his Licence for Fountain Lane and how he was going to address his outstanding debt and future Licence fee payments.
- 3.9 Mr Kerr informed the Committee that he had set up a direct debit with the Council's Central Transactions Unit to pay the Licence fee and the arrears accrued from non-payment of fees and that he would be willing to enter into a formal agreement with the Council to pay the remaining arrears.
- 3.10 The Committee agreed not to revoke Mr Kerr's Street Trading Licence for Fountain Lane on condition that Mr Kerr met with officers and entered into a formal agreement to pay the outstanding monies and the monthly licence fees.
- 3.11 Following the December Committee meeting, officers met with Mr Kerr on 27 December 2018 when he again promised to make payments and agreed to sign a formal agreement. However, Mr Kerr has not returned the signed agreement and, as such, no agreement is in place.
- 3.12 Mr Kerr has not paid his Licence fees since 4 December 2018 and is not engaging with us at all to settle his debt despite numerous efforts we have made to contact him. Mr Kerr currently owes the Council £3098.34.

<p><b>3.13</b></p> <p><b>3.14</b></p> <p><b>3.15</b></p> <p><b>3.16</b></p> <p><b>3.17</b></p>	<p>Members may wish to note Mr Kerr only trades sporadically. Mr Kerr trades without any other Licence infringements.</p> <p>Mr Kerr has been invited to attend today's meeting should Members wish to hear from him.</p> <p><b><u>Financial and Resource Implications</u></b></p> <p>If this Licence is refused there is sufficient interest in this site that it is expected it will be filled within a short time.</p> <p>The Service will work with Central Transactions Unit and Legal Services to take steps to ensure any outstanding debt will be recovered.</p> <p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p> <p>There are no issues associated with this report.</p>
<p><b>4.0</b></p>	<p><b>Appendices – Documents Attached</b></p>
	<p>None</p>



<b>Subject:</b>	<b>Institute of Licensing National Training Event</b>
<b>Date:</b>	14 August 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>	The Institute of Licensing is the professional body for licensing practitioners in local government, the police, private sector, trade and the legal profession. The Institute was established to provide education and training and to disseminate knowledge in all matters relating to licensing. The Institute operates throughout England, Wales, Northern Ireland and Scotland.
<b>1.2</b>	Members are reminded that Belfast is a Corporate Member affiliated to the Northern Ireland Region of the Institute and Mr James Cunningham, within the Building Control Service, is the Chairman of the Institute of Licensing (Northern Ireland Region) and a Director and Trustee of the Institute. This year the Institute will hold their National Training Event at the Holiday Inn Hotel, Stratford-Upon-Avon from Wednesday 20 to Friday 22 November 2019. The training event
<b>1.3</b>	will include topics such as:-

	<ul style="list-style-type: none"> <li>• Licensing developments in Northern Ireland;</li> <li>• The Role of Safety Advisory Groups;</li> <li>• The Role of the Licensing Authority, delegations and authorisations;</li> <li>• Conducting Licensing hearings;</li> <li>• Planning and Licensing - where are we now and the Raynsford Review outcomes.</li> </ul>
<b>2.0</b>	<b>Recommendations</b>
<b>2.1</b>	It is recommended that the Committee authorises the Chair, the Deputy Chair, the Director of Planning and Building Control and the Building Control Manager or their nominees to attend the Institute of Licensing National Training Event from the 20 to 22 November 2019.
<b>2.2</b>	Members also might wish to consider funding the travel to the conference of Mr Cunningham in recognition of his work in attaining the position of chairman of the Northern Ireland Branch. Mr Cunningham's residential fee for the event is paid for by the Institute of Licensing.
<b>2.3</b>	It is also recommended that the Committee agree to authorise the payment of the conference fees, together with the appropriate travelling, subsistence and attendance allowances in connection therewith.
<b>3.0</b>	<b>Main report</b>
	<b><u>Key Issues</u></b>
<b>3.1</b>	The National Training Event is a great opportunity for Members and Officers to meet with licensing professionals from across the UK and keep abreast of changes to licensing in other jurisdictions. The contacts established through previous conferences have been of great benefit. Members may recall Stephen McGowan (Partner with national law firm TLT LLP) attended a meeting of the Licensing Committee in 2015 to provide Members with an overview of the Scottish licensing system and to comment on proposed changes to legislation here.
	<b><u>Financial &amp; Resource Implications</u></b>
<b>3.2</b>	The residential fee for the training event is £735.25 including VAT per delegate and travelling and subsistence will be approximately £200 per delegate. The fee includes full access to the programme on each day, all meals and overnight accommodation. This figure has already been allowed for in the estimates for the current year.
	<b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b>
<b>3.3</b>	There are no issues associated with this report.
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Preliminary details of the National Training Event</li> </ul>

# NATIONAL TRAINING CONFERENCE 2019

## THE PROGRAMME

20 - 22 November 2019

Crowne Plaza Hotel  
Stratford-upon-Avon



**@iolevents @instoflicensing**  
**#NTC2019**

**The Programme (Subject to change)**  
**Day 1, WEDNESDAY 20 November 2019 - Crowne Plaza, STRATFORD-UPON-AVON**

	9.45	10.25	10.35	11.15	11.45 - 12.45		2.00 - 2.45	2.50 - 3.35		4.00 - 4.45	4.50 - 5.35	
			Opening 1		Session 1		Session 2	Session 3		Session 4	Session 5	
BALLROOM (A)	REGISTRATION (House Keeping) - Sue Nelson Welcome - Dan Davies, IoL Chair	Opening Speaker: Sacha Lord, Greater Manchester Nighttime Economy Adviser	BREAK	LUNCH	Planning and Licensing collaboration Sarah Clover, Kings Chambers, Daniel Davies, Rockpoint Leisure	Applications in Cumulative Impact areas Gary Grant, Francis Taylor Building	Home Office Update Speaker to be confirmed	Public Sector Equality Duty in Licensing Leo Charalambides, Editor of the Journal of Licensing	GDPR and Licensing Estelle Dehon & Matt Lewin Cornerstone Barristers			
BALLROOM (D)					Department for Transport (TBC)					James Button on Taxis REPEAT SESSION (DAY 1 & 3)	Taxis, CCTV and GDPR	Animal Licensing in England DEFRA TBC
HAREWOOD					Night Safe Project - one year on Kerry Simpkin, Westminster City Council					Online Sales of Alcohol	Community Alcohol Partnerships	Primary Authority in Alcohol Licensing Adrian Hall, Office for Product Safety and Standards (OPSS)
CHARLECOTTE										When is a licence lapse not a lapse Jonathan Smith & Andy Grimsey, Poppleston Allen	From review to appeal - what should a local authority be looking for? Paddy Whur, Woods Whur	Appeals and how to win them Gary Grant, Francis Taylor Building
PACKWOOD					Street Trading Gareth Hughes, Keystone Law					SEV licensing Leo Charalambides, Editor of Journal of Licensing	Massage and special treatments Sarah Clover, Kings Chambers	Licensing Fees, and recovering the cost of the licensing function James Button, J B & Co
BLENHEIM		TBC	Drugs Work in Clubs Neil Brooks, Chill Out Sound Support (Nottingham Recovery Network)	Pre-application Engagement Matthew Phipps, TLT	Outdoor large scale events - Applications, engagement, pitfalls and procedures Matthew Phipps, TLT	Security and Counter Terrorism at large scale events Sean Williams, Blue Owl Events Ltd						

The Programme (Subject to change)  
Day 2 - THURSDAY 21 November 2019 - Crowne Plaza, STRATFORD-UPON-AVON

	9.30	9.45	10.15	10.35	11.00 - 11.55	12.00 - 12.45		1.45 - 2.30	2.35 - 3.20		3.45 - 4.30	4.35 - 5.35	
		AGM	Opening 1		Session 1	Session 2		Session 3	Session 4		Session 5	Session 6	
BALLROOM (A)	COFFEE & REGISTRATION	<i>Institute of Licensing National AGM</i>	Opening Speaker - TBC	BREAK	Law Update Sarah Clover, Kings Chambers	Partnership approach to enforcement - is there a better way? An assessment of the inter relations with the Trade, their advisors and the Licensing Authority and the Responsible Authorities WORKSHOP FORMAT Clare Eames, Poppleston Allen & Pauline Bass, Stonegate	LUNCH	Public Health Speaker TBC	Soundscape and Licensing Lisa Lavia, Noise Abatement Society & Peter Rogers, Sustainable Acoustics	COFFEE	DISCUSSION PANEL - THE APPEALS SYSTEM - How should / could it work? Sarah Clover, Kings Chambers	Discussion Session with Philip Kolvin QC	
BALLROOM (D)					What the future holds - innovations and inventions in taxi and private hire vehicles James Button, James Button & Co.	Safeguarding in Licensing - what could possibly go wrong? James Button, James Button & Co.		The Fit & Proper Person Criteria - development, policy and practice Professor Roy Light, St John's Chambers	Workshop Session: Taxis and Private Hire Licensing James Button, JB & Co				
BLENHEIM					Animal licensing - Marc Abraham (Marc the Vet) and Scott Blair, Terra Firma Chambers	Michael Kill, Nighttime Industries Association		Industry Perspective Kate Nicholls, UK Hospitality	NTE case study Jo Cox Brown and Sylvia Oates				Age verification - industry perspective, challenges and solutions Kate Nicholls, UK Hospitality and Jonathan Smith, Poppleston Allen
PACKWOOD					NPCC update tbc	NPCC update tbc		Public Space Protection Orders and Closure Orders Kuljit Bhogal and Richard Hanstock, Cornerstone Barristers	CSE on County Lines Speaker TBC				County Lines, Modern Day Slavery & Trafficking Andy Thompson and Helen Matthews, CYP First
CHARLCOTTE					FOBT Stakes - impact of changes and future potential developments Graham Burgin, Gambling Commission & Philip Kolvin QC, Cornerstone Barristers	Practical Aspects of gaming machines Nick Arron, Poppleston Allen		TBC	Gaming in Pubs David Lucas				
HAREWOOD					The Role of the Licensing Authority, delegations and authorisations Dave Daycock, Iscoed Chambers	Councillor Conduct Dave Daycock, Iscoed Chambers		Preparation and presentation of evidence in hearings and appeals James Findlay QC and Sam Fowles, Cornerstone Barristers	Defending Judicial Reviews James Findlay QC and Sam Fowles, Cornerstone Barristers				Conducting Taxi Licensing Committees Myles Bebbington, Huntingdonshire Council
WARWICK					Gambling Commission drop in Open discussion session re reducing gambling harms. eLearning module demonstration also available			Digitalisation of licensing Speaker TBC					

Day 3 - FRIDAY 22 November 2019 - Crowne Plaza, STRATFORD-UPON-AVON									
	9.30	10.00 - 10.20	10.25 - 10.55		11.15 - 11.45	11.50 - 12.20	12.25 - 13.25	13.25	13.30
			Session 1		Session 2	Session 3	Session 4		
BALLROOM	COFFEE & REGISTRATION	Opening Speaker - TBC	Commercialisation of Local Authorities	BREAK	Developments in Licensing - an LGA update Rebecca Johnson, LGA	LAW / CASE LAW UPDATE (REPEAT TOPIC)	IoL Expert Panel  Jim Button Gary Grant Sarah Clover David Lucas David Daycock Josef Cannon	Chairman's Closing Remarks	<i>Packed lunch to go</i>
PACKWOOD			Cannabis Licensing Gary Grant, Francis Taylor Building		James Button on Taxis REPEAT SESSION (DAY 1 & 3)	Greater Manchester - a harmonised taxi licensing policy John Garforth Oldham MBC			
WARWICK			Covert Human Intelligence Sources		Immigration and Licensing Professor Roy Light, St John's Chambers	The Crime and Disorder Licensing Objective; establishing the link between alcohol, crime and disorder			
			Zoo Licensing Bryan Carroll		Carnivals	BBN			