

**Democratic Services Section
Legal and Civic Services Department
Belfast City Council
City Hall
Belfast
BT1 5GS**



**Belfast
City Council**

13th September, 2021

MEETING OF LICENSING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in hybrid format, that is, in the Council Chamber and via Microsoft Teams, on Wednesday, 15th September, 2021 at 5.00 p.m., 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) Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority (Pages 1 - 6)
 - (b) Application for the Grant of an HMO Licence - 77 Palestine Street (Pages 7 - 44)
 - (c) Licences Issued Under Delegated Authority (Pages 45 - 46)
 - (d) Application for the Grant of a Stationary Street Trading Licence - Berry Street (Pages 47 - 58)



Subject:	Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority
Date:	15th September, 2021
Reporting Officer:	Kevin Bloomfield, NIHMO Manager
Contact Officer:	Vivienne Donnelly, City Protection Manager Kevin Bloomfield, NIHMO Manager

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 type="checkbox"/> No <input checked="" type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	Under the Scheme of Delegation, the Director of City and Neighbourhood Services is responsible for exercising all powers in relation to the issue and variation, but not refusal, of HMO Licences, excluding provisions relating to the issue of HMO Licences where adverse representations have been made. Those applications which were dealt with under the Scheme are listed below.
2.0	Recommendations
2.1	The Committee is requested to note the licences which have been issued under the Scheme of Delegation.

3.0Main report

3.1

Key Issues

Under the terms of the Houses in Multiple Occupation Act (Northern Ireland) 2016, the following HMO Licences were issued during August 2021:

Premise Name	Licensee	Ward	HMO Policy Area
5 Stranmillis Gardens, Belfast, Antrim, BT9 5AS	Mr Declan McHugh	CENTRAL	STRANMILLIS HMO 2/19
87 Carmel Street, Belfast, Antrim, BT7 1QF	Mr Peter O'Hare	CENTRAL	HOLYLAND HMO 2/22
16 Melrose Street, Belfast, Antrim, BT9 7DN	Dr Pauline Carson	WINDSOR	EDINBURGH ST HMO 2/08
20 Melrose Street, Belfast, Antrim, BT9 7DN	Dr Pauline Carson	WINDSOR	EDINBURGH ST HMO 2/08
18 Agincourt Street, Belfast, Antrim, BT7 1RB	Mr Declan Boyle	CENTRAL	HOLYLAND HMO 2/22
39 Palestine Street, Belfast, Antrim, BT7 1QJ	Mr Dairmid Laird	CENTRAL	HOLYLAND HMO 2/22
80 Carmel Street, Belfast, Antrim, BT7 1QF	Mr Dairmid Laird	CENTRAL	HOLYLAND HMO 2/22
24 Carmel Street, Belfast, Antrim, BT7 1QE	Mr Gerard Lynn	CENTRAL	HOLYLAND HMO 2/22
41 Donnybrook Street, Belfast, Antrim, BT9 7DB	Mr David Smyth	WINDSOR	EDINBURGH ST HMO 2/08
Flat 4, 76 Fitzroy Avenue, Belfast, Antrim, BT7 1HX	Ms Maureen Hughes	CENTRAL	HOLYLAND HMO 2/22
53 Sandhurst Gardens, Belfast, Antrim, BT9 5AX	Mr Conor Walsh	STRANMILLIS	STRANMILLIS HMO 2/19
Flat 3, 76 Fitzroy Avenue, Belfast, Antrim, BT7 1HX	Ms Maureen Hughes	CENTRAL	HOLYLAND HMO 2/22
Flat 2, 76 Fitzroy Avenue, Belfast, Antrim, BT7 1HX	Ms Maureen Hughes	CENTRAL	HOLYLAND HMO 2/22
Flat 1, 76 Fitzroy Avenue, Belfast, Antrim, BT7 1HX	Ms Maureen Hughes	CENTRAL	HOLYLAND HMO 2/22

62 Chadwick Street, Belfast, Antrim, BT9 7FD	Miss Naomi Anderson	WINDSOR	MEADOWBANK HMO 2/15
19 Melrose Street, Belfast, Antrim, BT9 7DL	Mrs Patricia Collins	WINDSOR	EDINBURGH ST HMO 2/08
36 Edinburgh Street, Belfast, Antrim, BT9 7DS	Mr Trevor Breadon	WINDSOR	EDINBURGH ST HMO 2/08
33 Sandhurst Gardens, Belfast, Antrim, BT9 5AW	Mr Michael Rice	STRANMILLIS	STRANMILLIS HMO 2/19
Flat 3, 12 Rugby Avenue, Malone Lower, Belfast, Antrim, BT7 1RG	Mr Declan Boyle	CENTRAL	HOLYLAND HMO 2/22
Flat 2, 12 Rugby Avenue, Malone Lower, Belfast, Antrim, BT7 1RG	Mr Declan Boyle	CENTRAL	HOLYLAND HMO 2/22
Flat 1, 12 Rugby Avenue, Malone Lower, Belfast, Antrim, BT7 1RG	Mr Declan Boyle	CENTRAL	HOLYLAND HMO 2/22
22 Palestine Street, Belfast, Antrim, BT7 1QJ	Mrs Margaret Diamond	CENTRAL	HOLYLAND HMO 2/22
44 Adelaide Avenue, Belfast, Antrim, BT9 7FY	Douglas Huston	WINDSOR	ADELAIDE HMO 2/01
11 Abercorn Street, Belfast, Antrim, BT9 6AS	Mr Paul McCusker	WINDSOR	FITZWILLIAM HMO 2/10
128 Duncairn Gardens, Belfast, Antrim, BT15 2GL	Mr Mike Massimi	NEW LODGE	NONE
157 Donegall Road, Belfast, Antrim, BT12 5NA	Mr Ben Reid	BLACKSTAFF	DONEGALL ROAD HMO 2/07
46 Mount Prospect Park, Belfast, Antrim, BT9 7BG	Mr Patrick McComiskey	WINDSOR	ULSTERVILLE HMO 2/21
11 Tates Avenue, Belfast, Antrim, BT9 7BY	Mr Joseph Magee	WINDSOR	EDINBURGH ST HMO 2/08
104 Dunluce Avenue, Belfast, Antrim, BT9 7AZ	Mr Nicholas Doyle	WINDSOR	ULSTERVILLE HMO 2/21
85 Wellington Park, Belfast, Antrim, BT9 6DP	JMC Rentals Limited	WINDSOR	EGLANTINE HMO 2/09

44 Sandhurst Drive, Belfast, Antrim, BT9 5AY	Mr Patrick McComiskey	STRANMILLIS	STRANMILLIS HMO 2/19
26 Stranmillis Street, Belfast, Antrim, BT9 5FE	Mr Kieran Cranley	STRANMILLIS	STRANMILLIS HMO 2/19
10 Agincourt Street, Belfast, Antrim, BT7 1RB	Mr Gerry Rogers	CENTRAL	HOLYLAND HMO 2/22
Flat 1, 79 Wellesley Avenue, Belfast, Antrim, BT9 6DH	Mr Patrick McConville	WINDSOR	EGLANTINE HMO 2/09
Flat 2, 12 Wolseley Street, Belfast, Antrim, BT7 1LG	Mr Michael Wright	CENTRAL	HOLYLAND HMO 2/22
15 Holywood Road, Belfast, Down, BT4 3BA	MLC Projects No.50 Limited	CONNSWATER	NONE
17 The Cloisters, Belfast, Antrim, BT7 1GD	Mr John Barry Apperley	CENTRAL,	HOLYLAND HMO 2/22
101 Ulsterville Gardens, Belfast, Antrim, BT9 7BB	Mrs Martha Kelso	WINDSOR	ULSTERVILLE HMO 2/21
19 Brookvale Avenue, Belfast, Antrim, BT14 6BW	Tools for Solidarity	WATER WORKS	CLIFTONVILLE HMO 2/06
34 Sandhurst Drive, Belfast, Antrim, BT9 5AY	Mr Declan Boyle	STRANMILLIS,	STRANMILLIS HMO 2/19
48 Dunluce Avenue, Belfast, Antrim, BT9 7AY	Mr Joseph McKeever	WINDSOR	ULSTERVILLE HMO 2/21,
75 Fitzwilliam Street, Belfast, Antrim, BT9 6AX	Mrs Eileen Dougan	WINDSOR	FITZWILLIAM HMO 2/10
42 Stranmillis Gardens, Belfast, Antrim, BT9 5AT	Mr Myles McManus	CENTRAL	STRANMILLIS HMO 2/19
39 Elaine Street, Belfast, Antrim, BT9 5AR	Mr Philip McKenna	CENTRAL	STRANMILLIS HMO 2/19
21 Mount Prospect Park, Belfast, Antrim, BT9 7BG	Ms Noreen Gormley	WINDSOR	ULSTERVILLE HMO 2/21,
67 Castlereagh Street, Belfast, Down, BT5 4NF	Mr Tony Havern	BEERSBRIDGE	NONE

	<u>Financial and Resource Implications</u>
3.2	None
	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>
3.3	There are no issues associated with this report.

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Subject:	Application for the Grant of a HMO Licence - 77 Palestine Street
Date:	15th August, 2021
Reporting Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910
Contact Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, Divisional Solicitor, Ext. 6049

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

1.0	Purpose of Report/Summary of Main Issues			
1.1	To consider an application for a Licence permitting the use of premises as a House in Multiple Occupation (HMO).			
	Premises	Application No.	Applicant	Managing Agents
	77 Palestine Street Belfast BT7 1QL	8438	Mr Padhraig Magill	M&M Property Services.
1.2	Members are reminded that licences are issued for a 5-year period, with standard conditions. Where it is considered necessary to do so, the Committee can also impose special conditions.			
	Background			
1.3	The property had the benefit of an HMO licence in the name of the previous owner.			
1.4	The previous licence, pursuant to Section 28(2) of the Houses in Multiple Occupation Act (Northern Ireland) 2016 (“the 2016 Act”), ceased to have effect on 10th September 2019, when the property was purchased by Mr. Padhraig Magill. Had Mr. Magill applied for a new HMO licence before the date of transfer, the existing licence, pursuant to Section 28(3) of the 2016 Act, would have been held until his new licence application was determined.			
1.5	On 10th May, 2021, an HMO licence application was received from the owner of the accommodation. As this was a new application, the HMO Unit consulted with the Council’s Planning Service, which, on 20th May, confirmed that a Certificate of Lawful Use or Development was granted, with the planning reference LA04/2019/1471/LDE			

1.6	Following an email exchange on 3rd June between officers from the HMO Unit and the applicant, Mr Magill confirmed that he has been lived in the property since September 2019 (Appendix 3). In accordance with paragraph 9 of Schedule 1 of the 2016 Act, any building which is occupied by the owner or any members of the owner's household is not a house in multiple occupation. As such, the building has not been an HMO since September 2019, when Mr Magill and his brother took up occupation.
1.7	Pursuant to Section 87(1) General notices of the 2016 Act, the Council specified a number of documents which are required under paragraph 1(1) or (1)(2)(h) of Schedule 2, before an application is considered valid, the last of those documents "Proof of suitable funding arrangements" was received on 28th June, 2021. As such the application was deemed valid on 28th June, 2021.
1.8	In accordance with paragraph 12 of Schedule 2 of the 2016 Act, the Council must decide whether to grant or refuse an application for an HMO licence before the end of a period of 3 months, that 3 month period expires on 28th September, 2021.
2.0	Recommendations
2.1	Taking into account the information presented, the Committee is asked to hear from the applicant and make a decision to either: <ul style="list-style-type: none"> (i) Grant the application, with or without any special conditions; or (ii) Refuse the application.
2.2	If the application is refused, the applicant has a right of appeal to the County Court. Such an appeal must be lodged within 28 days of formal notification of the decision. The licence will remain in place pending the appeal.
3.0	Main report
	<u>Key Issues</u>
3.1	Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that: <ul style="list-style-type: none"> a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control; b) the owner, and any managing agent of it, are fit and proper persons; c) the proposed management arrangements are satisfactory); d) the granting of the licence will not result in overprovision of HMOs in the locality; e) the living accommodation is fit for human habitation and— <ul style="list-style-type: none"> (i) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or (ii) can be made so suitable by including conditions in the licence.
3.2	As this is a new application, the HMO Unit consulted with the Council's Planning Service who on the 20 May 2021 confirmed that a Certificate of Lawful Use or Development was granted with the planning reference LA04/2019/1471/LDE
3.3	For the purpose of determining whether or not the granting of a licence would result in an overprovision of HMOs in the locality of the accommodation, and in order to ensure consistency as both a planning and licensing authority, the locality was defined as being HMO

	Policy Area “HMO 2/22 Botanic, Holylands and Rugby” as defined in the document “Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015.
3.4	Legal Services has advised that there is a clear requirement in Section 8 of the 2016 Act upon the Council to be satisfied that the granting of a licence will not result in overprovision.
3.5	On the date of assessment, 22 July 2021, there were a total of 1,084 licensed HMOs in HMO policy area “HMO 2/22 Botanic, Holylands and Rugby”, which equates to 47% of the total dwelling units, which in turn exceeds the 30% development limit as set out at Policy HMO 1. The 1,082 licensed HMOs have a capacity of 4,974 persons.
3.6	The total number of dwelling units in a Policy Area is measured by Ordnance Survey’s Pointer database.
3.7	The Council must also consider the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need.
3.8	The Council recognises that there is a need for intensive forms of housing and to meet this demand, Houses in Multiple Occupation (HMOs) are an important component of this housing provision. HMOs, alongside other accommodation options within the private rented sector, play an important role in meeting the housing needs of people who are single, who have temporary employment, students, low income households and, more recently, migrant workers.
3.9	In September 2017, The Housing Executive published the document “Housing Market Analysis Update – Belfast City Council Area” which states that “HMOs form an important element of the PRS, particularly for younger people on low incomes and for single people, under the age of 35, affected by the limitation of housing benefit to the shared room rate. Anecdotal evidence also indicates that this has been a popular sector with migrant workers.”
3.10	On 10th August 2021, there were 10 licensed HMOs advertised for let on the website Property News in BT7, with a capacity of 47 bed spaces, of the 10 licensed properties 8 (38 bedspaces) were located in policy area “HMO 2/22 Botanic, Holylands and Rugby”. Additionally, it was identified on the same website that there were 12 licensed HMO properties advertised for let in BT9 with a capacity of 54 bed spaces.
3.11	Members will be aware from BBC press reports that “Queen's offers students £1,500 not to take up university accommodation”. The university said that due to "unprecedented" demand accommodation in its halls was oversubscribed. Officers followed up on the press reports by contacting other Purpose-Built Managed Student Accommodation PBMSA. Student Roost confirmed that it has no accommodation across its 3 sites in Great Patrick Street, John Bell House and Swanston Houses and is now operating a waiting list. Botanic Studios confirmed that it is also completely full and has a waiting list. LIV Student Belfast indicates on its website that it is sold out.
3.12	A subsequent search on Property News was undertaken on 10th September 2021 and no licensed HMOs were advertised for let in BT7 or BT9. Anecdotal evidence from conversations with HMO managing agents suggest that there is currently a lack of HMO accommodation available in the locality. It is too early to tell whether this is a temporary problem or evidence of an emerging long-term supply issue.
3.13	The fact the use of the property as an HMO is permitted for planning purposes is a relevant consideration in determining whether the grant of this licence will result in overprovision. There is an argument that it may not do so as the premises are already being used as an HMO.

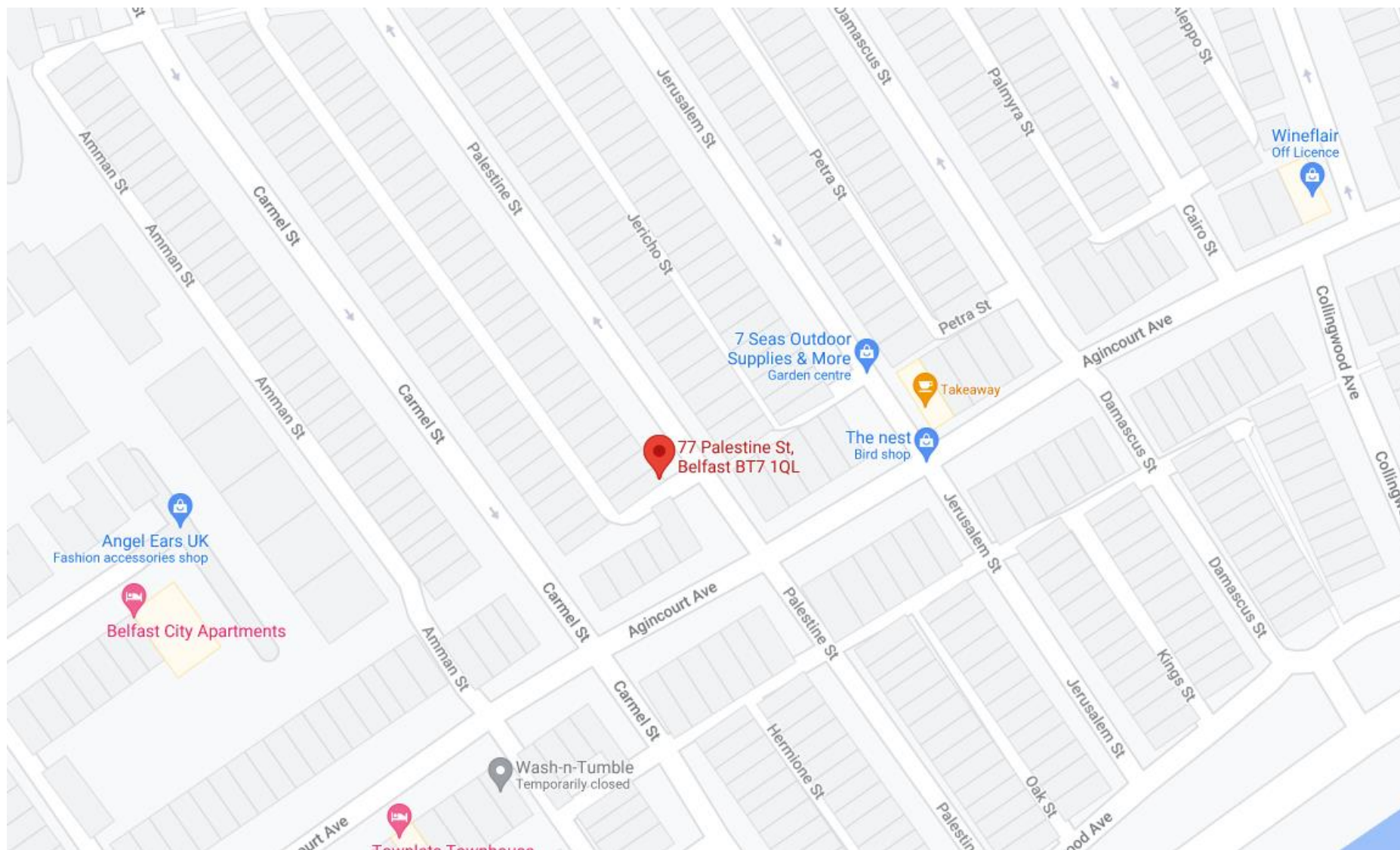
3.14	However, it should be borne in mind that planning permission was granted on the basis that the use had been established for 5 or more years and was, therefore, immune to enforcement. No assessment of overprovision was made at that time. Given the level of licensed HMO properties in this locality, as set out above, it would be highly unlikely that a planning application for a new HMO in the area would be successful, as the thresholds in the 2015 Plan have been significantly exceeded.
3.15	When considering the fitness of an applicant, the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision of the law relating to housing or of landlord and tenant law. It also permits the Council to take into account any other matter which the council considers to be relevant.
3.16	<p>The NIHMO Unit has consulted with the following units within the Council's City and Neighbourhood Services Department -</p> <p>(a) Environmental Protection Unit ("EPU") – which has confirmed that, in relation to night-time noise, there have been two noise warning notices issued on the 18 September 2019 and 17 March 2020 in respect of the HMO since the change of ownership on the 10 September 2019,</p> <p>(b) Environmental Protection Unit ("EPU") – which has confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(c) Public Health and Housing Unit ("PHHU") – which has confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(d) Cleansing Enforcement ("CE") – which has confirmed that, in relation to litter and waste, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p><u>Fitness</u></p>
3.17	The applicant and managing agent have confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.15 of this report.
3.18	The applicant or managing agent have not been convicted of any HMO related offences by the Council. The EPU, PHHU and CE, solely in respect of their statutory functions, have confirmed that there are no relevant, previous convictions in respect of the applicant, managing agent or occupants. Due to data protection issues which have arisen, PSNI have not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue.
3.19	Officers are not aware of any other issue relevant to the Applicant's fitness.
	<u>Attendance</u>
3.20	The applicant and/or their representatives will be available to discuss any matters relating to the licence application, should they arise during your meeting.
	<u>Suitability of the premises</u>
3.21	An inspection of the premises was carried out by Officers from the Service on 16th June 2021, at which time it was established that the property met the physical standards for an HMO.

	<p><u>Notice of Proposed Decision</u></p>
3.22	On 28th July 2021, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016, officers issued a notice of proposed decision to the applicant setting out the terms of the proposed licence.
3.23	The notice of proposed decision stated that the Council proposes to refuse the licence. A statement of reasons for the proposal was included in the notice of proposed decision.
	<p><u>The statement of reasons outlined the following as the Council's basis for refusal:-</u></p>
3.24	Pursuant to section 12 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 "2016 Act", the Council is satisfied that the granting of the HMO licence will result in overprovision of HMO accommodation in the locality of the accommodation for the purpose of section 8(2)(d) of the 2016 Act.
3.25	For the purpose of section 12(2) of the Act the Council has determined the locality as being HMO Policy Area "HMO 2/22 Botanic, Holylands and Rugby" as defined in the document "Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015 (the "2015 Plan")
3.26	<p>In making this decision the Council has had regard to:</p> <ul style="list-style-type: none"> (a) the number and capacity of licensed HMOs in the locality (b) the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need
3.27	To inform the Council in its consideration of the above provisions, the Council has taken account of the 2015 Plan and in particular, Policy HMO 1 and Policy HMO 2.
3.28	On the date of assessment, 22 July 2021, there were a total of 1,084 licensed HMOs in HMO policy area "HMO 2/22 Botanic, Holylands and Rugby", which equates to 47% of the total dwelling units, which in turn exceeds the 30% development limit as set out at Policy HMO 1. The 1,082 licensed HMOs have a capacity of 4,974 persons. The total number of dwelling units in a Policy Area is measured by Ordnance Survey's Pointer database.
3.29	Consequently, officers are satisfied that the granting of the HMO licence will result in overprovision of HMO accommodation in the locality of the accommodation for the purpose of section 8(2)(d) of the 2016 Act.
	<p><u>Analysis of Demand</u></p>
3.30	From the date of initial assessment on 22nd July 2021, the demand for HMO accommodation in the locality has surged. Paragraphs 3.7 – 3.13 of this report highlight the most up to date information available to officers on the demand for HMO accommodation in the locality and the wider city.
	<p><u>Financial and Resource Implications</u></p>
3.31	None. The cost of assessing the application and officer inspections are provided for within existing budgets.

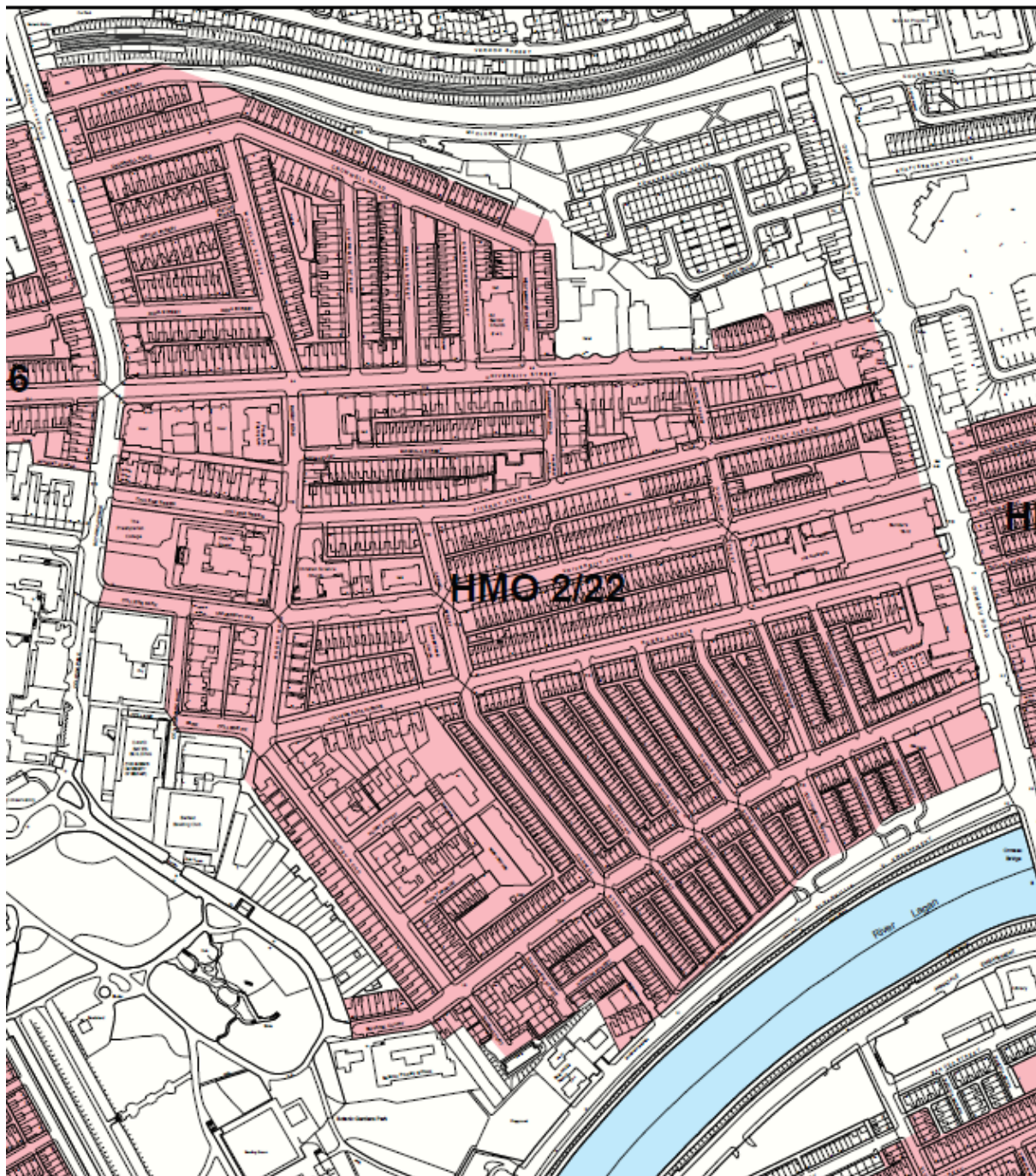
3.32	<p><u>Equality and Good Relations Implications</u></p> <p>There are no equality or good relations issues associated with this report.</p>
4.0	<p>Documents Attached</p>
	<ul style="list-style-type: none"> • Appendix 1 – Location Map • Appendix 2 – Map of HMO Policy Area “HMO 2/22 Botanic, Holylands and Rugby” • Appendix 3 – Email exchange with Mr Magill • Appendix 4 – Notice of Proposed Decision • Appendix 5 – Applicants response to the notice of proposed decision <ul style="list-style-type: none"> • 5a - McCann & McCann solicitors cover letter • 5b - McCann & McCann representations • 5c - HMO Subject Plan – HMO list of Properties • 5d – Landlords Registration Scheme Certificate • Appendix 6 – Response to McCann and McCann representations

Location Map – 77 Palestine Street, Belfast, BT7 1QL

Appendix 1



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Subject:	Licences Issued Under Delegated Authority
Date:	15th September, 2021
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
Contact Officer:	James Cunningham, Senior Licensing Officer, Ext. 3375

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 type="checkbox"/> No <input checked="" type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	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.
2.0	Recommendation
2.1	The Committee is requested to note the licences which have been issued under the Scheme of Delegation.

3.0Main Report

Key Issues

3.1Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, there were no Entertainments Licences issued since the previous Committee meeting.

3.2Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, there were no Amusement Permits issued since the previous Committee meeting.

3.3Under the terms of the Street Trading Act (Northern Ireland) 2001, the following Street Trading Licences were issued since the previous Committee meeting:

Location	Type of Application	Commodity	Hours Licensed	Applicant
Donegall Street opposite Kremlin nightclub	Stationary Renewal	Hot food and non-alcoholic beverages	Mon-Sun 8pm to 4am	Finlay McCallum

3.4Under the terms of the Road Traffic Regulation (Northern Ireland) Order 1997, the following Road Closure Orders were made since the previous Committee meeting:

Location	Type of Activity	Date and Hours permitted	Applicant
Deramore Avenue	Street Party	12pm – 6pm 29 th August 2021	Miriam Turley
Circular Road	Street Party	2pm – 6pm 31 st August 2021	Clare Martin
West Belfast	Feile 10k	5am – 11am 08 th August 2021	Gerry McClory
Cabin Hill Park	Filming	9am – 3pm 09 th August 2021	Johnny Scott
James Street South, Franklin Street	Filming	11am – 5pm 27 th August 2021	Johnny Scott

3.5Under the terms of the Licensing of Pavement Cafés Act (Northern Ireland) 2014 the following Pavement Café Licences were issued since the previous Committee meeting:

Premises	Location	Type of Application	Applicant
Voodoo - Santeria	Adjacent and Remote	Grant	Ciaran Smith Phoenix Wine and Spirit Stores Ltd.
Fish City	Adjacent	Grant	Anthony O’Loane Skompa Ltd.

Financial and Resource Implications

3.6None

Equality or Good Relations Implications/Rural Needs Assessment

3.7There are no issues associated with this report.



Subject:	Application for the Grant of a Stationary Street Trading Licence - Berry Street
Date:	15th September 2021
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
Contact Officer:	James Cunningham, Senior Licensing Officer, Ext. 3375

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 type="checkbox"/> No <input checked="" type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	The Council has received an application from Mrs Anita Cooley for a Stationary Street Trading Licence to trade at the available designated site in Berry Street, 32ft from the junction with Royal Avenue. The designation of the site is for the commodity to be determined but excluding the sale of hot food. The application complies with the designating resolution for the site. Details of the application are outlined below:
1.2	Mrs Cooley has applied to sell hot and cold non-alcoholic beverages, cold food and ice cream. The proposed times of trading are Monday to Sunday from 7.30 a.m. to 3.00 p.m., using a custom converted horsebox trailer measuring 3.15m by 2m, with a 0.4m overhanging hatch door. Photographs of the trailer are attached at Appendix 2.

1.4	Mrs Cooley has not previously held a Street Trading Licence with Belfast City Council and has been invited to attend the meeting.
2.0	Recommendations
2.1	Based on the submission presented and considering any amendments to the application, the Committee is requested to consider the application and decide whether: <ol style="list-style-type: none"> 1. To grant and approve the Licence to Mrs Anita Cooley; or 2. To grant and approve the Licence to Mrs Anita Cooley with additional Conditions, or; 3. It is minded to refuse the Licence application, under the discretionary grounds as outlined at paragraph 3.3 below.
2.2	Members may attach any reasonable Conditions when granting a Street Trading Licence.
2.3	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.
2.4	As a consequence, the actual decision to refuse the Licence 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.
3.0	Key Issues
3.1	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.
3.2	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 this licence application.
3.3	Section 9 of the Act sets out discretionary grounds under which a district council may refuse to grant an application. <ol style="list-style-type: none"> a. That – <ol style="list-style-type: none"> i. The location at which the applicant wishes to trade as a stationary trader is unsuitable; 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; 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; 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; 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;

	<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> <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;</p> <p>f. That the applicant has failed to provide the particulars required by the council to deal with the application;</p> <p>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.</p> <p>There is a right of appeal to the Magistrate's Court against any refusal on these grounds.</p> <p><u>Stall Size</u></p> <p>3.4 The overall size of the stall 3.15m by 2.4m is larger than a normal City centre street trading pitch, which is 3m by 1.5m as stated at section 5.4 of the Council's Stall Design Policy.</p> <p>3.5 Members are, however, advised that Section 5.9 of that Policy allows in any individual case, and for whatever reason, that Committee may decide to grant a design which varies from the agreed Policy and that such a decision would not be taken to have created any kind of precedent in respect of future applications. The Committee has previously granted licences for larger pitch sizes at 3 different locations within the City centre.</p> <p><u>Consultation</u></p> <p>3.6 The PSNI, DfI Roads Service and Belfast City Centre Management were consulted regarding this proposal as the site has been vacant for a number of years. Their responses are attached at Appendix 1.</p> <p>Police Service of Northern Ireland</p> <p>3.7 The police Service has no objection.</p> <p>DfI Roads</p> <p>3.8 The Department has no objection. It highlights that patrons queuing at the stall will cause an obstruction of footway, due to the density of pedestrians expected during its hours of operation.</p> <p>Belfast City Centre Management</p> <p>3.9 BCCM is concerned that a stall selling food will be in direct competition with established businesses in the area who provide similar commodities.</p> <p>3.10 Members may wish to note that BCCM carried out neighbourhood consultation but did not receive any formal replies from businesses in the area. It has based its response on previous consultations and responses from businesses.</p>
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3.11	BCCM also commented that the aesthetics of any new street trading stall or trailer is something that should be taken into consideration.
3.12	Berry Street is an area which has undergone extensive public realm improvements in recent years, and this has greatly enhanced the appearance of the area. BCCM believes that a high standard of appearance would ensure the proposed trailer adds to the aesthetics of the area, as opposed to detracting from it.
3.13	Committee may wish to note that there are two outlets close by selling similar commodities. <u>Financial and Resource Implications</u>
3.14	If the Committee grants a Licence, the Stationary Street Trading Licence fee is as follows: <ul style="list-style-type: none"> • Application Fee of £150, and • A Licence fee, for Monday to Sunday, of £1250 per annum. <u>Equality or Good Relations Implications/Rural Needs Assessment</u>
3.15	There are no issues associated with this report.
4.0	Documents Attached
	<ul style="list-style-type: none"> • Appendix 1a to 1c - Consultation responses from PSNI, DfI Roads Service and Belfast City Centre Management • Appendix 2 – Photographs of the trailer/stall



Building Control Service
Ground Floor
Cecil Ward Building
4-10 Linenhall Street
Belfast
BT2 8BP

21st June 2021

Dear Neil

Name of applicant: Mrs Anita Cooley

Site/Route: Berry Street, Belfast

Please note that police are offering no objections to this stationary Street trading licence being further considered by Belfast City Council. Police are unable to provide any comment on the applicant with only her name being provided.

If the Licence is granted we would expect the applicant complies with all current, relevant COVID – 19 Regulations and have a completed Risk Assessment available on site for inspection if applicable.

Forwarded for your attention.

Kind Regards

A handwritten signature in black ink, appearing to read 'Donna Tolan'.

Donna Tolan
Licensing Officer, Musgrave Station, Belfast

Belfast City District Command
60 Victoria Street, Belfast, BT1 3GL
Tel: 028 90650222 Ext: 21812 Email: BelfastLicensing@psni.pnn.police.uk

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**Network Traffic, Street Lighting and
Transportation
Eastern Division**



Department for

Infrastructure

An Roinn

Bonneagairwww.infrastructure-ni.gov.uk

Neil Melville
Regulatory Services Officer
Building Control Service
Belfast City Council
Ground Floor,
Cecil Ward Building
4 - 10 Linenhall Street
Belfast
BT2 8BP

SartawiS@BelfastCity.gov.uk

Annex 7,
Castle Buildings,
Stormont Estate,
Belfast
BT4 3SQ

Telephone: 0300 200 7893

Texphone: 028 9054 0022

Email: Traffic.Eastern@infrastructure-ni.gov.uk

Website: www.infrastructure-ni.gov.uk

Being Dealt With By: Rachel Owen

Direct Line: 028 9052 6188

Your Ref: WK/202001398

Our Ref: MT 124704 - 21

Date: 23 July 2021

Dear Mr Melville

APPLICATION FOR STATIONARY STREET TRADING LICENCE

OUR REF:	MT 124704 - 21
DATE RECEIVED:	17 June 2021 and 19 July 2021
APPLICANT:	Mrs Anita Cooley
LOCATION:	Berry Street, 32ft from junction with Royal Avenue, Belfast.
TRADING DATE:	Mon – Sun: 07:30 - 15:00hrs
OUR COMMENTS:	We have no objection to this application although it is likely that patrons queuing at the stand will cause an obstruction of footway, taking into account the density of pedestrians expected during its hours of operation.

Please contact me if you wish to discuss further.

Yours sincerely,

Cc Rachel Owen

Paul King

Traffic Manager

Traffic Management 1

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5th August 2021

Mr Neil Melville
Regulatory Services Officer
Building Control
Place and Economy Department
Belfast City Council
Cecil Ward Building
4-10 Linenhall Street
Belfast
BT2 8BP

Dear Mr Melville,

Re. Consultation on an application for a Street Trading Licence

Thank you for your kind invitation for Belfast City Centre Management (BCCM) to respond to the proposals relating to the statutory consultation on the designation of street trading pitches for the following locations;

	Location	Proposed Commodities/Services
1		
2	Berry Street, 32ft from junction with Royal Avenue	Cold beverages, Cold Food, Hot beverages, Ice Cream

BCCM believe licensed street traders, selling products which are complementary to the area in which they are sited, can contribute positively to the ambience, vitality and local economy. Unfortunately, additional street traders can also have some negative impacts on a proposed location and these impact would require consideration on a case by case basis. BCCM did not receive any formal replies from businesses in the area in this instance as businesses are under added pressure due to Covid-19 regulations and staff shortages due to required isolations. However, this response is based on previous consultations and responses from businesses.

BCCM's response to the above proposals are as follows;

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



[REDACTED]

2. Berry Street

BCCM's concern is that the new stall proposed will be in direct competition with established businesses in the area who provide similar commodities. As like many businesses within the hospitality sector, these businesses are going through a particularly difficult and crippling financial year and we believe the introduction of a new food stall would not be supportive of the established, rate-paying businesses already located within the area.

Similar to the concern outlined with the [REDACTED] proposal, the aesthetics of any new street trading stall or trailer is something that should be taken into consideration. Berry Street is an area that has undergone extensive public realm improvements in recent years that has greatly enhanced the appearance of the area.

With this in mind, BCCM believe a high standard of appearance would ensure the proposed trailer adds to the aesthetics of the area, as opposed to subtracting from it. Has the applicant provided a photograph to ensure the trailer meets the high standard of appearance expected?

Should you require any additional information or clarification, please do contact me.

Kind Regards,

A handwritten signature in black ink, appearing to read "G. Duggan".

Geraldine Duggan
City Centre Manager

Appendix 2 – Applicant’s trailer



