

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



**Belfast  
City Council**

9th December, 2022

## **MEETING OF THE LICENSING COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet in the **Lavery Room and via Microsoft Teams** on Wednesday, 14th December, 2022 at 5.00 p.m., for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

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 - 4)
- (b) Applications approved under Delegated Authority (Pages 5 - 8)
- (c) Application for the Grant of a Seven-Day Annual Indoor Entertainments Licence with Extended Hours - The Rusty Saddle and Shake or Stir, 21 Howard Street (Pages 9 - 16)
- (d) Review of Pavement Café Licence – City Picnic, Fountain Street (Pages 17 - 32)
- (e) Review of Pavement Café Licence – Voodoo, Fountain Street (Pages 33 - 48)

**3. Non-Delegated Matters**

- (a) Fees for Entertainments Licences (Pages 49 - 54)



|                           |  |
|---------------------------|--|
| <b>Subject:</b>           | <b>Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority</b> |
| <b>Date:</b>              | 14th December, 2022  |
| <b>Reporting Officer:</b> | Kevin Bloomfield, NIHMO Manager  |
| <b>Contact Officer:</b>   | Vivienne Donnelly, City Protection Manager<br>Kevin Bloomfield, NIHMO Manager        |

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

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

|            |   |
|------------|---|
| <b>1.0</b> | <b>Purpose of Report/Summary of Main Issues</b>   |
| <b>1.1</b> | 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. |
| <b>2.0</b> | <b>Recommendation</b>   |
| <b>2.1</b> | The Committee is requested to note the licences which have been issued under the Scheme of Delegation during November, 2022.  |

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 November 2022:

| Premise Name   | Licensee                | Ward        | HMO Policy Area or Development Node |
|--|-------------------------|-------------|-------------------------------------|
| Flat 2, 95 Rugby Avenue                                | Mr. Gabriel McCaffrey   | CENTRAL     | HOLYLAND HMO 2/22                   |
| 21 Damascus Street                                     | Mr. Stephen John Magill | CENTRAL     | HOLYLAND HMO 2/22                   |
| 53 Jerusalem Street                                    | Ms. Denise Magill       | CENTRAL     | HOLYLAND HMO 2/22                   |
| 3 Landseer Street                                      | Mr. Mark Paul Finegan   | CENTRAL     | STRANMILLIS HMO 2/19                |
| 49 Ridgeway Street                                     | Mr. Paul McKeever       | STRANMILLIS | STRANMILLIS HMO 2/19                |
| 23 Wolseley Street                                     | Kendale Limited         | CENTRAL     | HOLYLAND HMO 2/22                   |
| 48 Wellesley Avenue                                    | Mr. Peter Grant         | WINDSOR     | EGLANTINE HMO 2/09                  |
| 38 Wellesley Avenue                                    | Mr. Peter Grant         | WINDSOR     | EGLANTINE HMO 2/09                  |
| 72 Melrose Street                                      | Mr. Gregory Lewsley     | WINDSOR     | EDINBURGH ST HMO 2/08               |
| Flat 3, 86 Fitzroy Avenue Belfast Antrim BT7 1HX       | Croob Properties Ltd    | CENTRAL     | HOLYLAND HMO 2/22                   |
| Flat 2, 86 Fitzroy Avenue Belfast Antrim BT7 1HX       | Croob Properties Ltd    | CENTRAL     | HOLYLAND HMO 2/22                   |
| Flat 1, 86 Fitzroy Avenue Belfast Antrim BT7 1HX       | Croob Properties Ltd    | CENTRAL     | HOLYLAND HMO 2/22                   |
| 13 Donnybrook Court                                    | Mr. Alistair Steele     | WINDSOR     | EDINBURGH ST HMO 2/08               |
| 44 Stranmillis Park                                    | Mrs. Anne Cairns        | CENTRAL     | STRANMILLIS HMO 2/19                |
| Apartment 26, Hawthornden Building, 1 Old Bakers Court | Mr. Johnston Burney     | RAVENHILL   | NONE                                |
| 7 Ardenlee Way   | Mr. Brian Flanagan      | RAVENHILL   | NONE                                |
| 21 Melrose Street                                      | Glasmala Ltd            | WINDSOR     | EDINBURGH ST HMO 2/08               |
| Flat 4, 2 St Ives Gardens                              | Mr. Stephen John Magill | STRANMILLIS | SANDYMOUNT HMO 2/17                 |
| Flat 3, 2 St Ives Gardens                              | Mr. Stephen John Magill | STRANMILLIS | SANDYMOUNT HMO 2/17                 |
| 265 Woodstock Road                                     | Mrs. Laura Cairns       | WOODSTOCK   | NONE                                |
| 430 Lisburn Road                                       | 430 Management Limited  | MALONE      | NONE                                |
| 63 Chadwick Street                                     | Mr. Henry McIlveen      | WINDSOR     | MEADOWBANK HMO 2/15                 |
| 389 Donegall Road                                      | Mr. Stephen Andrews     | BLACKSTAFF  | NONE                                |
| 37 Carmel Street                                       | Mr. Eamonn Duffin       | CENTRAL     | HOLYLAND HMO 2/22                   |

|                               |                                  |             |                       |
|-------------------------------|----------------------------------|-------------|-----------------------|
| 93 Donnybrook Street          | Ms. Irene Blayney                | WINDSOR     | EDINBURGH ST HMO 2/08 |
| 107 Donegall Avenue           | WB Rankin Limited                | BLACKSTAFF  | NONE                  |
| 16 Stranmillis Street         | Mrs. Jane McFerran               | STRANMILLIS | STRANMILLIS HMO 2/19  |
| 28 Fitzroy Avenue             | Mr. Colm McCandless              | CENTRAL     | HOLYLAND HMO 2/22     |
| 34 St Ives Gardens            | Rowfox Properties Limited        | STRANMILLIS | SANDYMOUNT HMO 2/17   |
| 10 Harrow Street              | Mr. Mark Pinkerton               | CENTRAL     | HOLYLAND HMO 2/22     |
| 38 Rugby Avenue               | Mr. David Chambers               | CENTRAL     | HOLYLAND HMO 2/22     |
| Flat 1, 28 Lawrence Street    | Mr. Eugene McCann                | CENTRAL     | HOLYLAND HMO 2/22     |
| 42 Damascus Street            | Mrs. Mary O'Reilly               | CENTRAL     | HOLYLAND HMO 2/22     |
| Flat B 9 India Street         | Fallswater Investments Limited   | CENTRAL     | HOLYLAND HMO 2/22     |
| 44 Jerusalem Street           | Mr. Mark O'Hare                  | CENTRAL     | HOLYLAND HMO 2/22     |
| 21 Great Northern Street      | Dr. Paul Hugh Reilly             | WINDSOR     | MEADOWBANK HMO 2/15   |
| 31 Rathdrum Street            | Shearer Properties Limited       | WINDSOR     | ADELAIDE HMO 2/01     |
| 5 St Albans Gardens           | LBG Holdings Ltd                 | STRANMILLIS | SANDYMOUNT HMO 2/17   |
| 34 Stranmillis Street         | Mr. Neil Seymour                 | STRANMILLIS | STRANMILLIS HMO 2/19  |
| 62 Balfour Avenue             | Mrs. Jackie Magee                | CENTRAL     | LOWER ORMEAU HMO 2/13 |
| 64 Balfour Avenue             | Mr. Ronan Magee                  | CENTRAL     | LOWER ORMEAU HMO 2/13 |
| Flat 2, 79 Wellesley Avenue   | Glenburn Estates Ltd             | WINDSOR     | EGLANTINE HMO 2/09    |
| 86 Agincourt Avenue           | Mr. Gary Chambers                | CENTRAL     | HOLYLAND HMO 2/22     |
| 84 Agincourt Avenue           | Mr. Gary Chambers                | CENTRAL     | HOLYLAND HMO 2/22     |
| 4 Southview Street            | Mr. Tony McAleavey               | CENTRAL     | HOLYLAND HMO 2/22     |
| 6 Southview Street            | Mr. Tony McAleavey               | CENTRAL     | HOLYLAND HMO 2/22     |
| 2 Victoria Street             | The Salvation Army               | DUNCAIRN    | NONE                  |
| Flat 2, 19 Fitzwilliam Street | Mr. Anthony Lundy                | WINDSOR     | FITZWILLIAM HMO 2/10  |
| 5b Eglantine Avenue           | Mrs. Margaret Emily Myrtle Haugh | WINDSOR     | EGLANTINE HMO 2/09    |
| 50 Farnham Street             | Mrs. Jayne Hughes                | CENTRAL     | LOWER ORMEAU HMO 2/13 |
| 43 Rugby Avenue               | Mrs. Geraldine McCrossan         | CENTRAL     | HOLYLAND HMO 2/22     |
| 36 Stranmillis Street         | Mr. Cary Peter Grant             | STRANMILLIS | STRANMILLIS HMO 2/19  |
| 79 Carmel Street              | Mr. Dairmid Laird                | CENTRAL     | HOLYLAND HMO 2/22     |
| Flat 3, 103 Fitzroy Avenue    | Mr. Michael Holmes               | CENTRAL     | HOLYLAND HMO 2/22     |
| Flat 2, 103 Fitzroy Avenue    | Mr. Michael Holmes               | CENTRAL     | HOLYLAND HMO 2/22     |
| Flat 1, 103 Fitzroy Avenue    | Mr. Michael Holmes               | CENTRAL     | HOLYLAND HMO 2/22     |

|  |  |   |         |                         |
|--|--|---|---------|-------------------------|
|  | Flat 2, 110<br>University Avenue                 | Mr. Ronan Boyle                             | CENTRAL | HOLYLAND HMO 2/22       |
|  | 7 Penrose Street                                 | RS Laird Ltd T/A R<br>Stanley Laird and Son | CENTRAL | HOLYLAND HMO 2/22       |
|  | 7 Elaine Street                                  | Mr. Andrew Getty                            | CENTRAL | STRANMILLIS HMO<br>2/19 |
|  | 33 Palestine Street                              | Mr. Gerard Keenan                           | CENTRAL | HOLYLAND HMO 2/22       |
|  | 22 Sandhurst<br>Gardens                          | Mr. Cary Peter Grant                        | CENTRAL | STRANMILLIS HMO<br>2/19 |
|  | Flat 3, 43 Wellington<br>Park                    | One's Space Ltd                             | WINDSOR | EGLANTINE HMO 2/09      |
|  | Flat 1, 43 Wellington<br>Park                    | One's Space Ltd                             | WINDSOR | EGLANTINE HMO 2/09      |
|  | Flat 2, 43 Wellington<br>Park                    | One's Space Ltd                             | WINDSOR | EGLANTINE HMO 2/09      |
| <b><u>Financial and Resource Implications</u></b>                            |  |   |         |                         |
| 3.2  | None   |   |         |                         |
| <b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b> |  |   |         |                         |
| 3.3  | There are no issues associated with this report. |   |         |                         |



**Belfast**  
City Council

## LICENSING COMMITTEE

|                           |  |
|---------------------------|--|
| <b>Subject:</b>           | <b>Applications approved under Delegated Authority</b> |
| <b>Date:</b>              | 14th December, 2022                                    |
| <b>Reporting Officer:</b> | Stephen Hewitt, Building Control Manager, ext. 2435    |
| <b>Contact Officer:</b>   | James Cunningham, Senior Licensing Officer, ext. 3375  |

### Restricted Reports

Is this report restricted?

Yes

☐

No

☒

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

☐  
☐  
☐  
☐

### Call-in

Is the decision eligible for Call-in?

Yes

☒

No

☐

|            |   |
|------------|---|
| <b>1.0</b> | <b>Purpose of Report/Summary of Main Issues</b>   |
| 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. |
| <b>2.0</b> | <b>Recommendation</b>   |
| 2.1        | The Committee is requested to note the applications which have been approved under the Scheme of Delegation.  |

3.0Main Report

Key Issues

3.1Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, the following Entertainments Licences were issued since the last meeting:

| Premises and Location   | Type of Application   | Applicant  |
|---|-----------------------|--|
| AC Hotel by Marriott Belfast, 90 Donegall Quay, Belfast, BT1 3FE.                       | Grant                 | Mr. Ruairi McLaughlin, City Quays Hotel Ltd              |
| Cliftonville Bowling & Social Club, 13-23 Knutsford Drive, Belfast, BT14                | Renewal               | Mr. Thomas Boyle   |
| Conway Mill, 5-7 Conway Street, Belfast, BT13 2DE.                                      | Renewal               | Mr. Andy Donnelly, Conway Mill Enterprises Project Ltd   |
| Cyprus Avenue, 228-230 Upper Newtownards Road, BT4 3ET.                                 | Grant                 | Mr. Richard McCracken, Cyprus Avenue Ltd                 |
| Dunmurry Recreation Football Club, 23 Ashley Park, Dunmurry, BT17 9EH.                  | Renewal               | Mr. Ivor Moore   |
| Elliott Hall, Knock Presbyterian Church, 53 Kings Road, Belfast, BT5 6JH.               | Renewal               | Mr. Andrew Spratt  |
| Empire Bar, 42 Botanic Avenue, Belfast, BT7 1JQ.  | Transfer              | Mr. Robert Davis, Regency Hotel (NI) Ltd                 |
| Family Entertainment Centre, Kennedy Centre, 564-568 Falls Road, Belfast, BT11 9AE.     | Renewal               | Mr. Noel Bardon, Bardon Leisure                          |
| Gilnahirk Presbyterian Church, Jack Britton Hall, 161 Gilnahirk Road, Belfast, BT5 7QP. | Renewal               | Ms. Anne Milligan  |
| Glen Park, 12-18 Ardoyne Avenue, Belfast, BT14 7DA.                                     | Renewal               | Ms. Dorothea Burns, ADN NI Ltd                           |
| Kelly's Cellars Ltd, 32 Bank Street, Belfast, BT1 1HL.                                  | Renewal               | Ms. Elizabeth Mulholland, Kelly's Cellars Ltd            |
| Margot, 18 Donegall Square East, Belfast, BT1 5HE.                                      | Renewal               | Mr. Paul Langsford, Clover Pubs NI No.1 Ltd              |
| Mountainview Tavern, 417-421 Shankill Road, Belfast, BT13                               | Renewal               | Mr. Wilson McArthur, Mountainview Tavern Enterprises Ltd |
| Mountpottinger Presbyterian Church, 1a Castlereagh Street, Belfast, BT5 4NE.            | Renewal and Variation | Mr. Adam Darcy, The Bright Umbrella Drama Co.            |
| Roddy McCorley Social Club, 203 Glen Road, Belfast, BT11 8BU.                           | Renewal               | Mr. Kevin Crawford                                       |
| Rusty Saddle and Shake & Stir, 21 Howard Street, Belfast, BT1 6NB.                      | Grant                 | Mr. Eamon Diamond, Braidview Trading Ltd                 |
| Sliabh Dubh, 179 Whiterock Road, Belfast, BT12 7FW.                                     | Renewal               | Mr. Tony Clarke  |



|   | <table><tr><th>Premises and Location</th><th>Type of Application</th><th>Applicant</th></tr><tr><td>Spectrum Centre, 331-333 Shankill Road, Belfast, BT13 3AA.</td><td>Renewal</td><td>Ms. Nicola Verner, Greater Shankill Partnership</td></tr><tr><td>SS Nomadic, Hamilton Dock, Queens Road, Belfast, BT2 9EP.</td><td>Renewal</td><td>Ms. Judith Owens, Titanic Belfast Ltd</td></tr><tr><td>St John's Presbyterian Church, 374-378 Ormeau Road, Belfast, BT7</td><td>Renewal</td><td>Ms. Patricia Mills</td></tr><tr><td>The Black Box, 18-22 Hill Street, Belfast, BT1 2LA.</td><td>Renewal</td><td>Mr. Neil Jacques, The Black Box Trust</td></tr><tr><td>Tutti Frutti, Sweet Afton, Rita's, &amp; The Perch, 43 Franklin Street &amp; 12 Brunswick Street, Belfast, BT2 7GG.</td><td>Renewal</td><td>Mr. Michael Moreland, Abacus Inns Ltd</td></tr><tr><td>Vault Artist Studios, 4-48 Tower Street, Belfast, BT5 4FH.</td><td>Grant</td><td>Mr. Neal Campbell</td></tr><tr><td>West Belfast Sports &amp; Social Club, 370 Falls Road, Belfast, BT12 6DG.</td><td>Renewal</td><td>Mr. John Hughes</td></tr><tr><td>Woodvale Park Bowling Pavilion, Woodvale Road, Belfast, BT13 3BN.</td><td>Renewal</td><td>Mr. Ryan Black, Belfast City Council</td></tr></table> | Premises and Location                              | Type of Application         | Applicant        | Spectrum Centre, 331-333 Shankill Road, Belfast, BT13 3AA.          | Renewal   | Ms. Nicola Verner, Greater Shankill Partnership    | SS Nomadic, Hamilton Dock, Queens Road, Belfast, BT2 9EP.               | Renewal                     | Ms. Judith Owens, Titanic Belfast Ltd | St John's Presbyterian Church, 374-378 Ormeau Road, Belfast, BT7 | Renewal | Ms. Patricia Mills | The Black Box, 18-22 Hill Street, Belfast, BT1 2LA. | Renewal | Mr. Neil Jacques, The Black Box Trust | Tutti Frutti, Sweet Afton, Rita's, & The Perch, 43 Franklin Street & 12 Brunswick Street, Belfast, BT2 7GG. | Renewal | Mr. Michael Moreland, Abacus Inns Ltd | Vault Artist Studios, 4-48 Tower Street, Belfast, BT5 4FH. | Grant | Mr. Neal Campbell | West Belfast Sports & Social Club, 370 Falls Road, Belfast, BT12 6DG. | Renewal | Mr. John Hughes | Woodvale Park Bowling Pavilion, Woodvale Road, Belfast, BT13 3BN. | Renewal | Mr. Ryan Black, Belfast City Council |
|---|---|--|-----------------------------|------------------|---|-----------|--|---|-----------------------------|---------------------------------------|--|---------|--------------------|---|---------|---------------------------------------|---|---------|---------------------------------------|--|-------|-------------------|---|---------|-----------------|---|---------|--------------------------------------|
| Premises and Location   | Type of Application   | Applicant  |                             |                  |   |           |  |   |                             |                                       |  |         |                    |   |         |                                       |   |         |                                       |  |       |                   |   |         |                 |   |         |                                      |
| Spectrum Centre, 331-333 Shankill Road, Belfast, BT13 3AA.  | Renewal   | Ms. Nicola Verner, Greater Shankill Partnership    |                             |                  |   |           |  |   |                             |                                       |  |         |                    |   |         |                                       |   |         |                                       |  |       |                   |   |         |                 |   |         |                                      |
| SS Nomadic, Hamilton Dock, Queens Road, Belfast, BT2 9EP.   | Renewal   | Ms. Judith Owens, Titanic Belfast Ltd              |                             |                  |   |           |  |   |                             |                                       |  |         |                    |   |         |                                       |   |         |                                       |  |       |                   |   |         |                 |   |         |                                      |
| St John's Presbyterian Church, 374-378 Ormeau Road, Belfast, BT7  | Renewal   | Ms. Patricia Mills                                 |                             |                  |   |           |  |   |                             |                                       |  |         |                    |   |         |                                       |   |         |                                       |  |       |                   |   |         |                 |   |         |                                      |
| The Black Box, 18-22 Hill Street, Belfast, BT1 2LA.   | Renewal   | Mr. Neil Jacques, The Black Box Trust              |                             |                  |   |           |  |   |                             |                                       |  |         |                    |   |         |                                       |   |         |                                       |  |       |                   |   |         |                 |   |         |                                      |
| Tutti Frutti, Sweet Afton, Rita's, & The Perch, 43 Franklin Street & 12 Brunswick Street, Belfast, BT2 7GG. | Renewal   | Mr. Michael Moreland, Abacus Inns Ltd              |                             |                  |   |           |  |   |                             |                                       |  |         |                    |   |         |                                       |   |         |                                       |  |       |                   |   |         |                 |   |         |                                      |
| Vault Artist Studios, 4-48 Tower Street, Belfast, BT5 4FH.  | Grant   | Mr. Neal Campbell                                  |                             |                  |   |           |  |   |                             |                                       |  |         |                    |   |         |                                       |   |         |                                       |  |       |                   |   |         |                 |   |         |                                      |
| West Belfast Sports & Social Club, 370 Falls Road, Belfast, BT12 6DG.                                       | Renewal   | Mr. John Hughes                                    |                             |                  |   |           |  |   |                             |                                       |  |         |                    |   |         |                                       |   |         |                                       |  |       |                   |   |         |                 |   |         |                                      |
| Woodvale Park Bowling Pavilion, Woodvale Road, Belfast, BT13 3BN.   | Renewal   | Mr. Ryan Black, Belfast City Council               |                             |                  |   |           |  |   |                             |                                       |  |         |                    |   |         |                                       |   |         |                                       |  |       |                   |   |         |                 |   |         |                                      |
| 3.2   | Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, no Amusement Permits were issued since the last meeting.  |  |                             |                  |   |           |  |   |                             |                                       |  |         |                    |   |         |                                       |   |         |                                       |  |       |                   |   |         |                 |   |         |                                      |
| 3.3   | Under the terms of the Cinemas (Northern Ireland) Order 1991, no Cinema Licences were issued since the last meeting.  |  |                             |                  |   |           |  |   |                             |                                       |  |         |                    |   |         |                                       |   |         |                                       |  |       |                   |   |         |                 |   |         |                                      |
| 3.4   | Under the terms of the Petroleum Consolidation Act 1929, the following Petroleum Licences were issued since the last meeting: <table><tr><th>Premises and Location</th><th>Type of Application</th><th>Applicant</th></tr><tr><td>Sainsburys Petrol Station, 302 Airport Road West, Belfast, BT3 9EJ.</td><td>Renewal</td><td>Ms. Michelle Robertson, Sainsburys Shared Services</td></tr><tr><td>Tesco Filling Station Yorkgate, 100-150 York Street, Belfast, BT15 1WA.</td><td>Renewal</td><td>Mr. Jim O' Connor, Tesco Stores Ltd</td></tr></table>   | Premises and Location                              | Type of Application         | Applicant        | Sainsburys Petrol Station, 302 Airport Road West, Belfast, BT3 9EJ. | Renewal   | Ms. Michelle Robertson, Sainsburys Shared Services | Tesco Filling Station Yorkgate, 100-150 York Street, Belfast, BT15 1WA. | Renewal                     | Mr. Jim O' Connor, Tesco Stores Ltd   |  |         |                    |   |         |                                       |   |         |                                       |  |       |                   |   |         |                 |   |         |                                      |
| Premises and Location   | Type of Application   | Applicant  |                             |                  |   |           |  |   |                             |                                       |  |         |                    |   |         |                                       |   |         |                                       |  |       |                   |   |         |                 |   |         |                                      |
| Sainsburys Petrol Station, 302 Airport Road West, Belfast, BT3 9EJ.   | Renewal   | Ms. Michelle Robertson, Sainsburys Shared Services |                             |                  |   |           |  |   |                             |                                       |  |         |                    |   |         |                                       |   |         |                                       |  |       |                   |   |         |                 |   |         |                                      |
| Tesco Filling Station Yorkgate, 100-150 York Street, Belfast, BT15 1WA.                                     | Renewal   | Mr. Jim O' Connor, Tesco Stores Ltd                |                             |                  |   |           |  |   |                             |                                       |  |         |                    |   |         |                                       |   |         |                                       |  |       |                   |   |         |                 |   |         |                                      |
| 3.5   | Under the terms of the Street Trading Act (Northern Ireland) 2001, the following Street Trading Licences were issued since the last meeting: <table><tr><th>Location</th><th>Type of Application</th><th>Commodity</th><th>Hours Licensed</th><th>Applicant</th></tr><tr><td>Donegall Quay</td><td>Stationary</td><td>Hot &amp; Cold Food &amp; Beverages</td><td>Mon – Sun:<br/>11:00 – 22:00</td><td>Ms Kylah Dittmar</td></tr></table>   | Location   | Type of Application         | Commodity        | Hours Licensed  | Applicant | Donegall Quay                                      | Stationary  | Hot & Cold Food & Beverages | Mon – Sun:<br>11:00 – 22:00           | Ms Kylah Dittmar   |         |                    |   |         |                                       |   |         |                                       |  |       |                   |   |         |                 |   |         |                                      |
| Location  | Type of Application   | Commodity  | Hours Licensed              | Applicant        |   |           |  |   |                             |                                       |  |         |                    |   |         |                                       |   |         |                                       |  |       |                   |   |         |                 |   |         |                                      |
| Donegall Quay   | Stationary  | Hot & Cold Food & Beverages                        | Mon – Sun:<br>11:00 – 22:00 | Ms Kylah Dittmar |   |           |  |   |                             |                                       |  |         |                    |   |         |                                       |   |         |                                       |  |       |                   |   |         |                 |   |         |                                      |
| 3.6   | Under the terms of the Road Traffic Regulation (Northern Ireland) Order 1997, the following Road Closure Orders were made since the last meeting:   |  |                             |                  |   |           |  |   |                             |                                       |  |         |                    |   |         |                                       |   |         |                                       |  |       |                   |   |         |                 |   |         |                                      |

|     |  |                         |                                  |  |
|-----|--|-------------------------|----------------------------------|--|
|     | <b>Location</b>  | <b>Type of Activity</b> | <b>Date and Hours permitted</b>  | <b>Applicant</b>                                   |
|     | Botanic Avenue   | Community Festival      | Sun 20 Nov 2022<br>11:00 – 16:00 | Ms. Maggie McKeever                                |
|     | Ormeau Embankment, Ormeau Bridge   | 10K Road Race           | Sat 03 Dec 2022<br>14:00 – 16:00 | Ms. Shauna Bratten                                 |
|     | Springmartin Road  | Community Event         | Sun 04 Dec 2022<br>11:00 – 22:00 | Ms. Ellen Cahill                                   |
|     | Cross Parade   | Street Party            | Sun 11 Dec 2022<br>08:00 – 14:00 | Ms. Martina Klapkova                               |
| 3.7 | Under the terms of the Licensing of Pavement Cafés Act (Northern Ireland) 2014, the following Pavement Café Licences were issued since the last meeting: |                         |                                  |  |
|     | <b>Premises</b>  | <b>Location</b>         | <b>Type of Application</b>       | <b>Applicant</b>                                   |
|     | The Rusty Saddle, 15-21 Howard Street, Belfast BT1 6NB   | Adjacent                | Grant                            | Mr. Eamon Diamond, Braidview Trading Ltd           |
|     | Guillemot Deli, 392 Upper Newtownards Road, Belfast BT4 3EY  | Adjacent                | Grant                            | Mr Richard Armstrong, Guillemot Deli (Belfast) Ltd |
|     | <b><u>Financial and Resource Implications</u></b>  |                         |                                  |  |
| 3.8 | None   |                         |                                  |  |
|     | <b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b>   |                         |                                  |  |
| 3.9 | There are no issues associated with this report.   |                         |                                  |  |



**Belfast**  
City Council

## LICENSING COMMITTEE

|                           |   |
|---------------------------|---|
| <b>Subject:</b>           | <b>Application for the Grant of a Seven-Day Annual Indoor Entertainments Licence with Extended Hours - The Rusty Saddle and Shake or Stir, 21 Howard Street</b> |
| <b>Date:</b>              | 14th December, 2022   |
| <b>Reporting Officer:</b> | Stephen Hewitt, Building Control Manager, ext. 2435   |
| <b>Contact Officer:</b>   | Fiona Millen, Building Control Surveyor, ext 2572   |

### Restricted Reports

Is this report restricted?

Yes

☐

No

☒

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

☐  
☐  
☐  
☐

### Call-in

Is the decision eligible for Call-in?

Yes

☒

No

☐

|     |  |                                  |  |
|-----|--|----------------------------------|--|
| 1.0 | Purpose of Report/Summary of Main Issues   |                                  |  |
| 1.1 | To consider an application for the grant of a Seven-Day Annual Indoor Entertainments Licence with extended hours for The Rusty Saddle and Shake or Stir. |                                  |  |
|     | <b>Area and Location</b><br>The Rusty Saddle and Shake or Stir<br>21 Howard Street<br>Belfast<br>BT1 6NB   | <b>Ref. No.</b><br>WK/2020/02106 | <b>Applicant</b><br>Mr. Eamonn Diamond<br>21 Howard Street<br>Belfast<br>BT1 6NB |
| 1.2 | A location map is attached at Appendix 1.  |                                  |  |

|            |   |
|------------|---|
| <b>2.0</b> | <b>Recommendations</b>  |
| 2.1        | <p>Taking into account the information presented and any representations received Members are required to consider the application and to:</p> <ul style="list-style-type: none"> <li>a) Approve the application for the provision of entertainment to 2.00am on Friday and Saturday, or</li> <li>b) Approve the application with special conditions, or</li> <li>c) Refuse the application for the provision of entertainment to 2.00am on Friday and Saturday.</li> </ul>   |
| 2.2        | <p>If an application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court. In the case that the applicant subsequently decides to appeal, entertainment may not be provided until any such appeal is determined.</p>   |
| <b>3.0</b> | <b>Main Report</b>  |
|            | <p><b><u>Key Issues</u></b></p> <p><b><u>Grant of a licence</u></b></p> <p>3.1 In relation to the Entertainments Licence, all statutory consultations have been completed satisfactorily and the certificates pre-requisite to the grant of licence have been received.</p> <p>3.2 The Committee is reminded that the normal process for dealing with Entertainments Licence applications which are not the subject of objections is that the Director of Planning and Building Control will grant the Licence as provided for in the Council's Scheme of Delegation.</p> <p>3.3 Under the Scheme of Delegation, the Director of Place and Economy has authority to issue any application for the grant of a licence where there are no representations in respect of it and the hours of operation applied for do not exceed 1.00am.</p> <p>3.4 However, applications to provide indoor entertainment beyond 1.00 a.m. are subject to consideration by the Committee and the premises has applied for the following days and hours of use:</p> <ul style="list-style-type: none"> <li>• Sunday: 12.30 am to 1.00 am the following morning</li> <li>• Monday to Thursday: 11.30 am to 1.00 am the following morning</li> <li>• Friday and Saturday: 11:30 am to 2:00 am the following morning</li> </ul> <p>3.5 To assist the premises in the circumstances where the building is ready to provide entertainment in advance of consideration of this application for an extension in hours to 2.00 am, the Entertainment Licence has been issued permitting the premises to operate to 1.00 am.</p> <p>3.6 The Committee is, therefore, only being asked to consider whether the provision of entertainment to 2.00 am may be permitted.</p> <p><b><u>Details of the Premises and Proposals</u></b></p> <p>3.7 The areas proposed to be licensed to provide indoor entertainment and their maximum occupancies are:</p> |

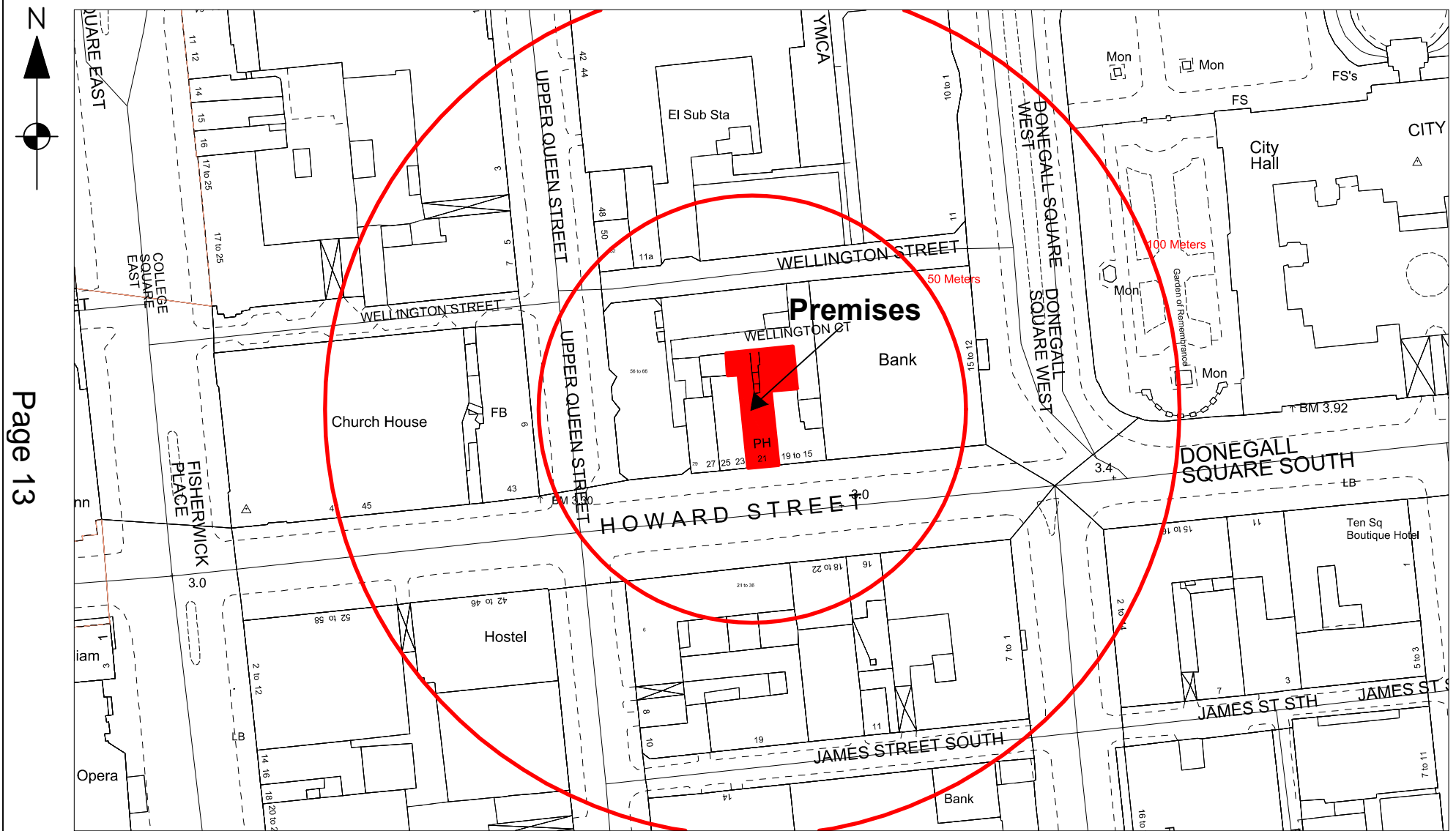
|      |   |
|------|---|
|      | <ul style="list-style-type: none"> <li>• The Rusty Saddle (Ground floor) - 200</li> <li>• Shake or Stir (First floor) - 220</li> </ul>  |
| 3.8  | <p>The days and hours during which entertainment is proposed to be provided, are:</p> <ul style="list-style-type: none"> <li>• Sunday: 12.30am to 1.00 am the following morning</li> <li>• Monday to Thursday: 11.30 am to 1.00 am the following morning</li> <li>• Friday and Saturday: 11:30 am to 2:00 am the following morning</li> </ul> |
| 3.9  | <p>The applicant has stated that the extension of hours to 2.00 am on Friday and Saturday is because the 1<sup>st</sup> floor is a nightclub.</p>   |
| 3.10 | <p>Members are advised that the previous Entertainment Licence for this premises permitted entertainment to be provided to 3.00am the following morning from Monday to Sunday.</p> <p><b><u>Representations</u></b></p>   |
| 3.11 | <p>Public notice of the application has been placed and no written representation has been received as a result of this advertisement.</p> <p><b><u>PSNI</u></b></p>  |
| 3.12 | <p>The Police Service of Northern Ireland has been consulted and has confirmed that it has no objection to the application. Its response is attached at Appendix 2.</p> <p><b><u>NIFRS</u></b></p>  |
| 3.13 | <p>The Northern Ireland Fire and Rescue Service has been consulted and has confirmed that it has no objection to the application.</p> <p><b><u>Health, Safety and Welfare</u></b></p>   |
| 3.14 | <p>The premises has been inspected by the Building Control Service and it is now complete for the purposes of the Building Regulations.</p> <p><b><u>Noise</u></b></p>  |
| 3.15 | <p>No noise complaints have been received in relation to the premises in the last 12-month period.</p>  |
| 3.16 | <p>The Committee is reminded that the Clean Neighbourhood and Environment Act 2011 gives the Council additional powers in relation to the control of entertainment noise after 11.00 pm.</p> <p><b><u>Applicant</u></b></p>   |
| 3.17 | <p>The applicant, and/or their representatives, will be available at your meeting to answer any queries you may have in relation to the application.</p> <p><b><u>Financial and Resource Implications</u></b></p>   |
| 3.18 | <p>None.</p>  |

|            |   |
|------------|---|
| 3.19       | <p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p> <p>There are no issues associated with this report.</p> |
| <b>4.0</b> | <b>Documents Attached</b>   |
|            | <p>Appendix 1 – Location map</p> <p>Appendix 2 – PSNI Response</p>  |



## Building Control Service

Belfast Mapping Data v3.0  
 Prepared by I.S.B.  
 Based upon the Ordnance Survey  
 of Northern Ireland map with the  
 permission of the Director & Chief Executive  
 © CROWN COPYRIGHT 2003



DRAWN BY **M Treacy**  
 DATE **29/11/2022**

**The Rusty Saddle and Shake or Stir**  
**21 Howard Street**

SCALE **1:1250 @ A4**

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

29<sup>th</sup> March 2022

Dear

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| Rusty Saddle and Broken Shaker, 21 Howard Street, Belfast, BT1 6NB. |
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| [REDACTED]  |

Please note that there are no current police objections to the above application being further considered by Belfast City council, residents, other local business and NIFRS.

Please confirm that all BCC requirements and conditions have been adhered to. Also that all current COVID – 19 guidance will be considered by the licence holder.

If the Licence is granted in due course please forward police a copy with any special conditions or restrictions.

Kind Regards

A handwritten signature in black ink, appearing to be 'J. Bell', with a long horizontal flourish extending to the right.

Licensing Officer, Musgrave Station, Belfast



|                           |   |
|---------------------------|---|
| <b>Subject:</b>           | <b>Review of Pavement Café Licence – City Picnic, Fountain Street</b> |
| <b>Date:</b>              | 14th December, 2022   |
| <b>Reporting Officer:</b> | Stephen Hewitt, Building Control Manager, ext 2435                    |
| <b>Contact Officer:</b>   | James Cunningham, Senior Licensing Officer, 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"/>  |
| Sometime in the future                            | <input type="checkbox"/>  |
| Never   | <input type="checkbox"/>  |

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

|            |   |
|------------|---|
| <b>1.0</b> | <b>Purpose of Report/Summary of Main Issues</b>   |
| 1.1        | The Committee is reminded that, at its meeting on 16th November, it considered the review of two Temporary Pavement Café Licences in Fountain Street.   |
| 1.2        | DfI-Roads had notified the Council that, in its view, the Temporary Pavement Cafés needed to be removed or relocated to facilitate the safe movement of traffic in Fountain Street, following its reopening to vehicular traffic. |
| 1.3        | The Committee, after hearing from DfI-Roads and representatives from City Picnic and Voodoo (the licensees), deferred making any decision to enable further information to be obtained.   |
| 1.4        | A copy of the report and the minutes of the meeting of 16th November are in the attached Appendix.  |

|            |  |
|------------|--|
| <b>2.0</b> | <b>Recommendations</b>   |
| 2.1        | Taking into account the information presented and the representations received Members are asked to consider the request from DfI Roads Service to revoke the Temporary Pavement Café Licence.   |
| 2.2        | If the Committee is minded to accede to the DfI request to revoke a Licence, the licensee must be informed that the Committee is minded to do so and in accordance with the Licensing of Pavement Cafés Act (Northern Ireland) 2014 be permitted to make representation regarding the revocation to the Council, with such representations to be made not less than 21 days from the date of notice.   |
| 2.3        | As a consequence, the actual decision to revoke the Licence will be considered at a meeting of the Committee on a later date. There is a right of appeal to the Magistrate's Court against the revocation of a licence.  |
| <b>3.0</b> | <b>Main Report</b>   |
| 3.1        | At the meeting in November, the Committee asked for more information from DfI-Roads, which provided an analysis of road safety in the area, to enable it to properly consider the request to revoke the pavement café licences.  |
| 3.2        | The Committee also asked for confirmation from DfI-Roads on whether Castle Street (portion between Fountain Street and Castle Junction) would remain pedestrianised.   |
| 3.3        | <p>In response to these queries DfI Roads has commented as follows:</p> <p><i>The Department's view on the café licences for both Voodoo and City Picnic is that they present a danger to vulnerable road users especially pedestrians. This is because they are both placed across a section of Fountain Street that would, ordinarily, be open to two-way traffic. This section of road leads into another section, behind the bollards on Fountain Street, that is pedestrianised save for 6 pm to 11 am. The Cafés obstruct this part of the road. This has led to a number of loading vehicles being forced to reverse to exit both Fountain Street and Castle Street, whereas previously they could have driven through this section. Vehicles, which cannot perform a 'u-turn' on Castle Street can only leave the street by reversing through the traffic light-controlled junction at Queens Street. The Department is concerned that the reversing that the structures require vehicles to undertake could cause a danger to vulnerable road users, such as pedestrians and cyclists, as well as other mechanically propelled road traffic. Additionally, the cafes' structures block access to a car park that is incorporated into the Norwich Union Building, do not facilitate cyclists and may not address specific issues encountered by disabled drivers.</i></p> <p><i>Due to the foregoing, the Department would urge the Council to not renew the licences on Fountain Street.</i></p> <p><i>If the Council does not agree with the Department on this question, the Department would then request the structure and associated café furniture would not be in place between the hours of 6 pm and 11 am to mirror the times when Fountain Street pedestrianised zone is open to loading traffic. This will allow the free flow of traffic for loading vehicles, important to other businesses in the area, and reduce the risk for vulnerable road users.</i></p> |

|      |   |
|------|---|
|      | <p><i>The Department would ask that, in making its decision, the Council fully considers the impacts on disabled people and cyclists and is informed by a public safety risk assessment that fully considers all the safety issues associated with the pavement café license applications.</i></p> <p><i>In relation to your query about traffic volumes, I can confirm that the Department does not have either vehicle or pedestrian counts for the periods before or after the closure.</i></p> <p><i>In relation to the pedestrianisation of Castle Street, in front of City Picnic, I can confirm that the Department has currently restricted all vehicles from using Castle Street between Royal Avenue to Fountain Street with the exception of cyclists under the powers conferred on it by Article 7 of the Road Traffic Regulations (Northern Ireland) Order 1997. This restriction will last until 1 April 2024 however this can be superseded or changed if it becomes necessary.</i></p> <p><i>As a final point the Department notes from the legislation that the structures should be capable of being taken away within 20 minutes and urge the Council to ensure that any licence that it grants ensures that the permitted structures can be taken down within that timeframe.</i></p> |
| 3.4  | Officers are engaging with DfI Roads in relation to these comments and will provide a verbal update at your meeting if required.  |
| 3.5  | A representative from DfI Roads will be available at your meeting should Members wish to seek any further clarification on these matters.   |
|      | <b><u>City Picnic</u></b>   |
| 3.6  | As previously reported, Mr. Arthur McAnerney is the licensee for the Temporary Pavement Café Licence associated with City Picnic, Unit 5 McAuley House, 2-6 Castle Street. The current pavement café is located in the middle of Fountain Street close to the junction with Castle Street.  |
| 3.7  | Mr. McAnerney has submitted a new application for a Temporary Pavement Café in Castle Street in the remaining closed portion between the junction of Fountain Street and Castle Junction.   |
| 3.8  | DfI Roads has examined drawings provided in relation to the alternative site for City Picnic's pavement café on Castle Street and is generally content. The Department has asked that the Council ensures that furniture is erected in accordance with the drawings as any deviation from this may impede the passage of pedestrians and cyclists.  |
| 3.9  | At the time of writing this report, a licence cannot be issued as the statutory period within which representations to the application may be made has not yet expired.   |
| 3.10 | Mr. McAnerney has been invited to the meeting, should Members wish to seek any further information about the application.   |
|      | <b><u>Financial and Resource Implications</u></b>   |
| 3.11 | None.   |
|      | <b><u>Equality and Good Relations Implications/Rural Needs Assessment</u></b>   |
| 3.12 | There are no issues associated with this report.  |

|            |  |
|------------|--|
| <b>4.0</b> | <b>Documents Attached</b>                        |
|            | Minutes of the previous meeting and reports pack |

# Appendix

## **Licensing Committee**

### **Extract of Minute of Meeting of 16th November, 2022**

#### **Review of Pavement Café Licence – City Picnic, Fountain Street**

The Building Control Manager provided an overview of the review of the Pavement Café Licence and requested that the Members consider representations from DfI-Roads in relation to City Picnic's temporary Pavement Café Licence which had been impacted by the re-opening of Fountain Street at its junction with Castle Street.

The Committee was reminded that the Council, in June 2020, decided to introduce a temporary process for considering pavement café applications to assist the hospitality sector during the pandemic. The temporary Pavement Café Licensing Scheme was extended by the Council in September 2022 and would expire on 30th September 2023.

City Picnic restaurant had been granted a temporary Pavement Café Licence in Fountain Street, close to the junction with Castle Street. When this licence was granted this portion of Fountain Street was closed to vehicular traffic. DfI-Roads had advised the licensee that pavement café space may be available on Castle Street in the portion that would remain closed to traffic and that they would also consider any other proposals for alternative locations to which the café could be relocated.

Council Officers had met with the licensee for City Picnic and had advised him to engage with DfI-Roads about potential options for relocation of his pavement cafe and that revised site plans based on these discussions should then be submitted to the Council for formal consultation with DfI-Roads thereafter.

Mr. Arthur McAnerney the licensee for the Temporary Pavement Café Licence had submitted new plans for the relocation to Castle Street in the remaining closed portion between the junction of Fountain Street and Castle Junction. Mr McAnerney was engaging with DfI and Building Control staff to ensure that all documentation and technical information was in place.

The Building Control Manager advised that should the Committee decide to revoke the licence, the Council was required to notify the licensee of its intention, stating the grounds for doing so and that representations may be made by the licence holder.

It was reported that Mr. D. McFarlane, Divisional Roads Manager and Mr. G. Lawther, Development Control Manager were in attendance on behalf of DfI-Roads, as were Mr. A. McAnerney, the Licensee and his business partner Mr G. Gregg. The Chairman invited DfI to deliver their representation.

Mr. McFarlane provided the Committee with a timeline from 2017 and referred to the situation caused by the Primark fire which had turned Fountain Street into a temporary cul-de-sac. He also referred to the temporary Pavement Café Licence Scheme which arose out of the Covid-19 pandemic in which DfI had been a consultee. He advised that City Picnic and Voodoo had been granted applications on the basis that they were operating not in the middle of public road but on a temporary cul-de-sac. Therefore, DfI had worked with the Council and the 2 applications had been approved based on the fact that they were temporary, and when Primark reopened it would revert back to being a public road. Mr. McFarlane informed the Committee that he was not aware of any other



pavement café in Belfast being located on a public road. He stated that unknown to DfI the temporary licences were extended by the Council in September this year. He added that when Primark opened on 1st November the hoarding had been removed and the road reverted back to being a live public road. At this point, Council and DfI met with City Picnic and Voodoo. He explained that DfI were in a position to offer an alternative arrangement to City Picnic whereby they could move the pavement café to Castle Street. Mr McFarlane stated that it was his understanding that there had been no formal application made for this but DfI were content to work with City Picnic on the matter. He explained that the issue arising from the pavement cafés not relocating would introduce the need for service vehicles servicing Fountain Street to reverse which would create a significant probability of a serious accident occurring and DfI could not accept that risk.

A Member asked DfI if any other businesses in the area had complained in relation to deliveries. Mr. McFarlane replied that there had been no other complaints and reiterated that the current arrangement was dangerous and it was a safety issue caused by the blocking of a public road. Another Member asked if the reverting of this arrangement was to facilitate Primark alone. Mr McFarlane stated that it was a case of returning the road network to pre-Primark fire arrangements. In response to a question from a Member as to which businesses were being serviced by the deliveries, Mr. McFarlane could not confirm but stated he had observed 9 vehicles reversing in one day. He provided details of previous servicing arrangements for deliveries whereby there was no need for vehicles to reverse in that part of Fountain Street. He stated that access to the Norwich Union car park was proving difficult too because of the location of the pavement cafés.

A Member asked Mr. McFarlane if there was vehicular access from Fountain Street to Wellington Place. He confirmed that traffic can reverse from that area as it was wider and was an open public road. Another Member asked if there was data available in relation to increased traffic for the Council to examine. Mr. McFarlane reiterated the fact that large vehicles were reversing in Fountain Street and DfI would not accept the risk.

A Member voiced concerns in relation to the reversing of the reported 9 vehicles in Fountain Street given the level of footfall in the area and would like to hear the views from other traders in the area before any decision was reached. Mr. McFarlane referred to vacant shop frontages at Norwich Union House which could provide a solution and maintain the safe passage of vehicles.

A Member expressed empathy with City Picnic and Voodoo and recognised the complex situation and asked who would be liable if a pedestrian was hit by a reversing vehicle. The Member referred to stakeholder conversations to date and asked if the objective of the conversations was to find a solution that suited all whilst keeping pedestrians safe. Mr. Lawther responded that good progress had been made to date and reiterated that from a DfI perspective the current Pavement Café Licence arrangement in Fountain Street would never have been acceptable albeit the road was temporarily closed and formalised by DfI to facilitate it, and that Fountain Street now had no need to be closed.

The Chairperson welcomed Mr. A. McAnerney and Mr. G. Gregg from City Picnic and invited them to make their representation.

Mr. Gregg welcomed the opportunity to put City Picnic's case across and informed the Committee that the process had been started to move the pavement café from Fountain Street to Castle Street given it was pedestrianised and would bring vibrancy to that area. He stated that they had been coerced and put under pressure to move to Castle Street. Mr. Gregg referred to DfI's position of reverting to the original road network and added that the world had changed over the last 4 years since the Primark fire and the pandemic in terms of looking at pedestrianisation and the vibrancy of the city specifically in relation to Fountain Street. Although he agreed with the safety issues, Mr. Gregg questioned the need to revert to the original road network and suggested arriving at a solution that fits all such as a one-way system. He explained that before the Primark fire he had claimed 6 times for ripped awnings caused by reversing lorries. He referred to the access to the Norwich Union carpark and expressed his concerns about the safety of the building. Mr. Gregg informed the Committee that he would welcome further consultation with DfI and described the matter as a 'knee jerk' reaction to get the road open quickly.

A Member referred to her recent engagement with City Picnic, Voodoo, DfI and with Council Officers as it was of great concern. The Member expressed frustration as to how the matter had been handled by DfI and described how the Department's approach had been unreasonable. The Member asked the Committee to look favourably on City Picnic's new licence application when it came forward as the business needed certainty.

Another Member stated she didn't agree with the licence being revoked as the pavement café had created vibrancy in the area which had helped the business and in turn boosted the economy. The Member stated that if properly managed, the pavement café and the servicing arrangements could operate together safely and agreed with other speakers that there should be more conversations to find an alternative plan.

The Chair stated he agreed with the sentiment of all the speakers and asked City Picnic if they were content to move to Castle Street. Mr. Gregg confirmed he was content to move but needed certainty in relation to whether or not Castle Street would remain pedestrianised or not. Discussion ensued in relation to pedestrianisation, finding a safe and holistic solution and to 'build back better'. A Member referred to the thousands of students that were now in the area which had created a moving population so there was a need to think differently in a more innovative and creative way.

A Member raised the matter of liability which had not been answered. The Interim City Solicitor/Director of Legal and Civic Services confirmed that ultimately liability would be with the driver.

A Member referred to the Council's vision for the city and noted the frustration with DfI in this regard. The Member asked if the matter was deferred would the responsibility lie with DfI to look at the safety of pedestrians in that area. Mr. McFarlane replied that it had been looked at and DfI had made the Council aware of the risk and the only safe option was to provide circular movement for vehicles. Mr. Lawther advised that DfI had started to consider the larger picture of pedestrianisation in the city and there was a commitment to discuss this further. He reiterated that his concern was that Fountain

Street was a public road and the pavement café licence was sat on a public road and it was not for the Council to decide whether it was closed or not.

The Committee agreed to defer the review of the Pavement Café Licence to enable all stakeholders to discuss the matter further to find a solution and mutual consensus.



|                           |   |
|---------------------------|---|
| <b>Subject:</b>           | <b>Review of Pavement Café Licence – City Picnic, Fountain Street</b> |
| <b>Date:</b>              | 16th November, 2022   |
| <b>Reporting Officer:</b> | Stephen Hewitt, Building Control Manager, ext. 2435                   |
| <b>Contact Officer:</b>   | James Cunningham, Senior Licensing Officer, 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"/>  |
| Sometime in the future                            | <input type="checkbox"/>  |
| Never   | <input type="checkbox"/>  |

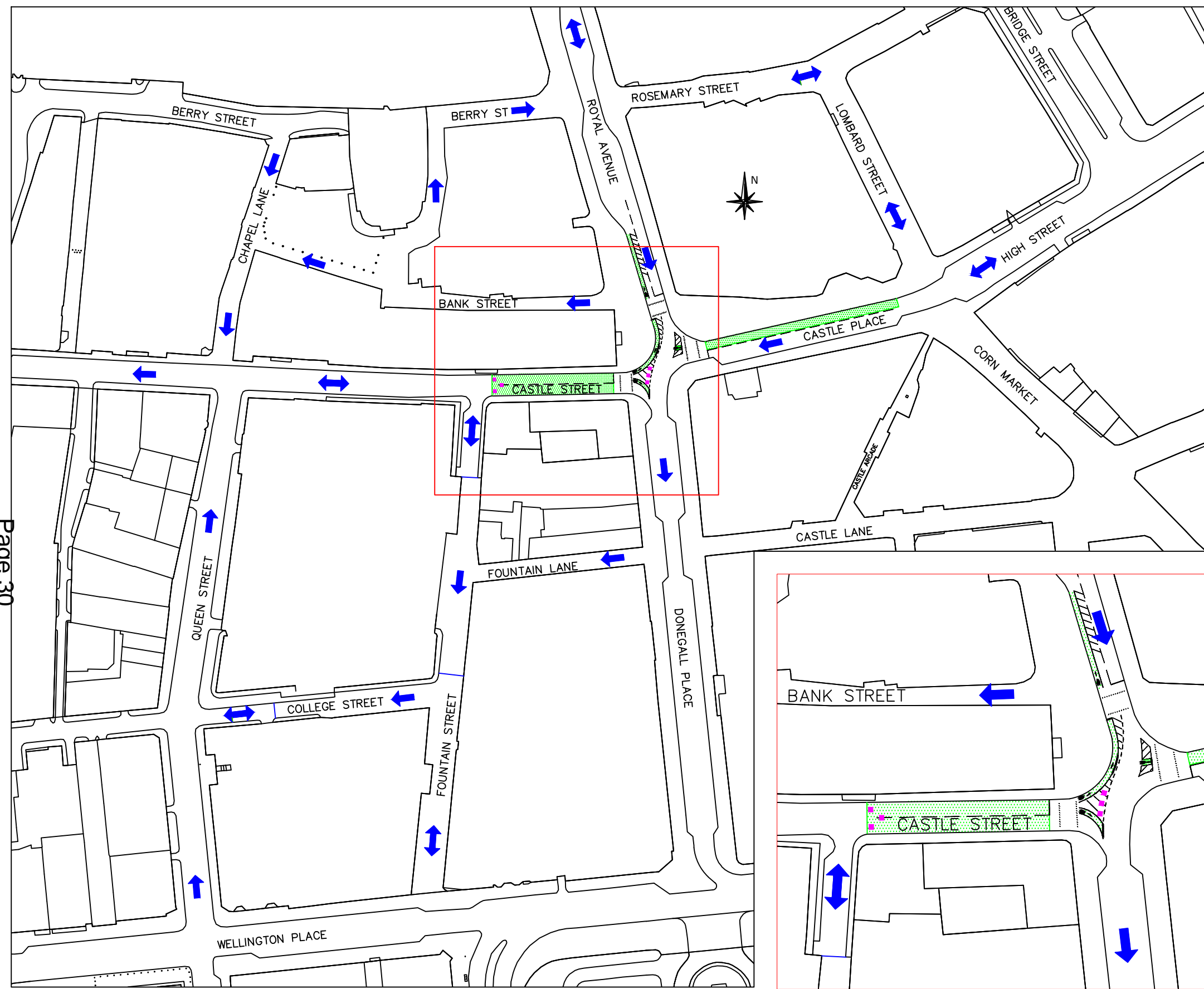
|                                       |   |
|---------------------------------------|---|
| <b>Call-in</b>                        |   |
| Is the decision eligible for Call-in? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |

|            |  |
|------------|--|
| <b>1.0</b> | <b>Purpose of Report/Summary of Main Issues</b>  |
| 1.1        | To consider representations from DfI-Roads in relation to City Picnic's Temporary Pavement Café Licence, which is impacted by the re-opening of Fountain Street, at its junction with Castle Street.   |
| <b>2.0</b> | <b>Recommendations</b>   |
| 2.1        | Taking into account the information presented and the representations received, the Committee is asked to consider the request from DfI Roads Service to revoke the Temporary Pavement Café Licence.   |
| 2.2        | If the Committee is minded to agree to the DfI request to revoke the Licence, the licensee must be informed to that effect and, in accordance with the Licensing of Pavement Cafés Act (Northern Ireland) 2014, be permitted to make representation regarding the revocation to the Council, with such representations to be made not less than 21 days from the date of notice. |

|            |  |
|------------|--|
| 2.3        | As a consequence, the actual decision to revoke the Licence will be considered at a meeting of the Committee on a later date. There is a right of appeal to the Magistrate's Court against the revocation of a licence.  |
| <b>3.0</b> | <b>Main Report</b>   |
|            | <p><b><u>Representations from DfI - Roads</u></b></p> <p>3.1 DfI-Roads has notified the Council that, with Primark re-opening and the hoarding being removed from around the building, it intends to return the road network to pre-Primark fire arrangements in the area, with the exception being the limitation on Translink buses where control continues to be exercised through the closure of Castle Street to traffic (between Fountain Street and Donegall Place).</p> <p>3.2 A map from DfI-Roads showing traffic arrangements is attached at Appendix 1.</p> <p>3.3 One of the key reasons for returning to pre-fire arrangements is the servicing arrangements and parking for disabled users both of which were impacted in the vicinity of Fountain Street and Castle Street by the Primark fire and associated closures, which were unavoidable. When the roads were closed, it led to some difficult servicing arrangements, which required the reversing of vehicles. This increase in risk had to be balanced with the public safety risks associated with the Primark building and on balance were considered to be the 'least worst' option at that time.</p> <p>3.4 Returning the road network to pre-Primark fire arrangements will allow servicing vehicles to revert to the safer option of driving forward between Castle Street and Fountain Street as historically was the case. DfI-Roads advises that it would not be considered appropriate to maintain the existing servicing arrangements (reversing vehicles), in the interests of road safety, which is of paramount importance to the Department.</p> <p>3.5 DfI-Roads has notified the Council that, in its view, City Picnic's Temporary Pavement Café needs to be removed or relocated to facilitate the safe movement of vehicular traffic.</p> <p>3.6 Representatives from DfI-Roads will be available at your meeting to outline their concerns in relation to road safety.</p> <p><b><u>Temporary Pavement Café Licensing Scheme</u></b></p> <p>3.7 The Committee is reminded that the Council, in June 2020, decided to introduce a temporary process for considering pavement café applications to assist the hospitality sector during the pandemic. The temporary pavement café licensing scheme was extended by the Council in September 2022 and will expire on 30th September 2023.</p> <p>3.8 The Council has granted City Picnic restaurant a Temporary Pavement Café Licence in Fountain Street, close to the junction with Castle Street. When this licence was granted this portion of Fountain Street was closed to vehicular traffic.</p> <p>3.9 DfI-Roads has advised the licensee that pavement café space may be available on Castle Street in the portion that will remain closed to traffic and that they will also consider any other proposals for alternative locations to which the café could be relocated.</p> <p>3.10 Council officers have met with the licensee for City Picnic and have advised him to engage with DfI-Roads about potential options for relocation of his pavement cafe and that revised</p> |

|      |   |
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|      | <p>site plans based on these discussions should then be submitted to the Council for formal consultation with DfI-Roads thereafter.</p> <p><b><u>Options available within the scope of the Pavement Café legislation</u></b></p>  |
| 3.11 | The Pavement café legislation allows the Council, if it is satisfied that any part of the public area where the pavement café is permitted is going to become unsuitable for that purpose, or that continuing to place furniture in that area is likely to result in undue interference or inconvenience to persons or vehicles in the vicinity to revoke the licence.      |
| 3.12 | Alternatively, the Committee may decide that, further to the representations of DfI-Roads, that it is not satisfied that the area where the pavement café is permitted is going to become unsuitable for that purpose or that continuing to place furniture in that area is likely to result in undue interference or inconvenience to persons or vehicles in the vicinity. |
| 3.13 | To move the pavement café from its current location requires the licence to be revoked or surrendered and an application made for the new location. This is to protect the integrity of the application process by giving neighbours or regular users of the pavement in the vicinity, an opportunity to comment on the suitability of the revised plan.                    |
|      | <p><b><u>Notification of Revocation</u></b></p>   |
| 3.14 | Should the Committee decide to revoke the licence, the Council is required to notify the licensee of its intention, stating the grounds for doing so and that representations may be made by the licence holder.  |
| 3.15 | The Council must provide the licensee with at least 21 days from the date of notification to make representation unless it considers that there are particular circumstances which are in the public interest that make it necessary to consider a shorter period.  |
| 3.16 | However, there is scope in the Act that the Council may decide to revoke a pavement café licence even though no notification has been given. Based on the DfI-Roads representations Committee may therefore consider if it is in the 'public interest' to revoke, the licence without giving 21 days notice.  |
| 3.17 | Before deciding whether to revoke the licence, the Council must take into account any representations made by the licence holder within the period.   |
|      | <p><b><u>City Picnic</u></b></p>  |
| 3.18 | Mr. Arthur McAnerney is the licensee for the Temporary Pavement Café Licence associated with City Picnic, Unit 5 McAuley House, 2-6 Castle Street, Belfast. The current pavement café is located in the middle of Fountain Street, close to the junction with Castle Street.  |
| 3.19 | Mr. McAnerney has submitted new plans for the re-location of his Temporary Pavement Café to Castle Street in the remaining closed portion between the junction of Fountain Street and Castle Junction.  |
| 3.20 | Mr McAnerney is engaging with DfI and Building Control staff to ensure that all documentation and technical information is in place.  |
| 3.21 | At the time of writing this report, final agreement is not in place regarding the relocation.   |

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| 3.22       | <p><b><u>Financial and Resource Implications</u></b></p> <p>None.</p>  |
| 3.23       | <p><b><u>Equality and Good Relations Implications/Rural Needs Assessment</u></b></p> <p>There are no issues associated with this report.</p> |
| <b>4.0</b> | <b>Documents Attached</b>  |
|            | <p>Appendix 1 – Traffic Map</p> <p>Appendix 2 – Existing Layout Plan</p>   |



Direction of travel marked...➡  
Areas for 'cyclists only' marked...  
Location of planters marked...■

| NO. | REVISION | DATE |
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Appendix 1

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Project **CITY CENTRE**

Title **DELIVERY ARRANGEMENTS  
NOVEMBER 2022**

| FILE NO. | DESIGNED | date |
|----------|----------|------|
| DRAWN    | CHECKED  | date |
| TRACED   | APPROVED | date |

Drg. No. Revision

Scales

Eastern Division

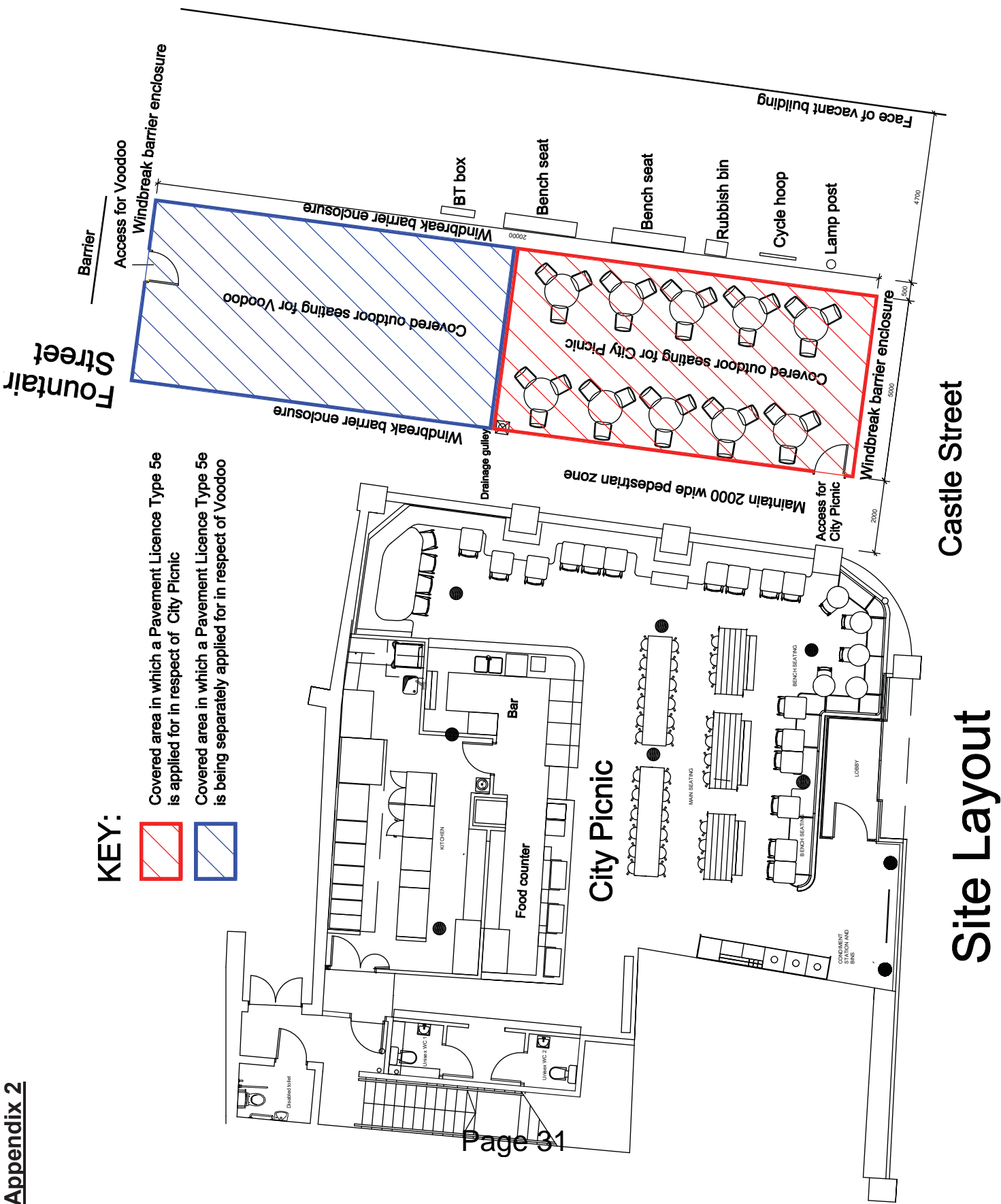
Annex 7  
Castle Buildings  
Stormont Estate  
Belfast  
BT4 3SQ

Telephone: 0300 200 7893  
Textphone: 028 90540022

Department for  
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An Roinn  
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|---------------------------|--|
| <b>Subject:</b>           | <b>Review of Pavement Café Licence – Voodoo, Fountain Street</b> |
| <b>Date:</b>              | 14th December, 2022  |
| <b>Reporting Officer:</b> | Stephen Hewitt, Building Control Manager, ext 2435               |
| <b>Contact Officer:</b>   | James Cunningham, Senior Licensing Officer, ext 3375             |

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

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

|            |   |
|------------|---|
| <b>1.0</b> | <b>Purpose of Report/Summary of Main Issues</b>   |
| 1.1        | The Committee is reminded that, at its meeting on 16th November, it considered the review of two Temporary Pavement Café Licences in Fountain Street.   |
| 1.2        | DfI-Roads had notified the Council that, in its view, the Temporary Pavement Cafés needed to be removed or relocated to facilitate the safe movement of vehicular traffic in Fountain Street, following its reopening to vehicular traffic. |
| 1.3        | The Committee, after hearing from DfI-Roads and representatives from City Picnic and Voodoo (the licensees) deferred making any decision to enable further information to be obtained.  |
| 1.4        | A copy of the report and the minutes of the meeting of 16th November are in the attached Appendix.  |

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| <b>2.0</b> | <b>Recommendations</b>   |
| 2.1        | Taking into account the information presented and the representations received Members are asked to consider the request from DfI Roads Service to revoke the Temporary Pavement Café Licence.   |
| 2.2        | If the Committee is minded to accede to the DfI request to revoke a Licence, the licensee must be informed that the Committee is minded to do so and in accordance with the Licensing of Pavement Cafés Act (Northern Ireland) 2014 be permitted to make representation regarding the revocation to the Council, with such representations to be made not less than 21 days from the date of notice.   |
| 2.3        | As a consequence, the actual decision to revoke the Licence will be considered at a meeting of the Committee on a later date. There is a right of appeal to the Magistrate's Court against the revocation of a licence.  |
| <b>3.0</b> | <b>Main Report</b>   |
| 3.1        | At the meeting in November, the Committee asked for more information from DfI-Roads, which provided an analysis of road safety in the area, to enable it to properly consider the request to revoke the pavement café licences.  |
| 3.2        | The Committee also asked for confirmation from DfI-Roads on whether Castle Street (portion between Fountain Street and Castle Junction) would remain pedestrianised.   |
| 3.3        | <p>In response to these queries, DfI Roads has commented as follows:</p> <p><i>The Department's view on the café licences for both Voodoo and City Picnic is that they present a danger to vulnerable road users especially pedestrians. This is because they are both placed across a section of Fountain Street that would, ordinarily, be open to two-way traffic. This section of road leads into another section, behind the bollards on Fountain Street, that is pedestrianised save for 6pm to 11am. The Cafés obstruct this part of the road. This has led to a number of loading vehicles being forced to reverse to exit both Fountain Street and Castle Street, whereas previously they could have driven through this section. Vehicles, which cannot perform a 'u-turn' on Castle Street can only leave the street by reversing through the traffic light-controlled junction at Queens Street. The Department is concerned that the reversing that the structures require vehicles to undertake could cause a danger to vulnerable road users, such as pedestrians and cyclists, as well as other mechanically propelled road traffic. Additionally, the cafes' structures block access to a car park that is incorporated into the Norwich Union Building, do not facilitate cyclists and may not address specific issues encountered by disabled drivers.</i></p> <p><i>Due to the foregoing, the Department would urge the Council to not renew the licences on Fountain Street.</i></p> <p><i>If the Council does not agree with the Department on this question the Department would then request the structure and associated café furniture would not be in place between the hours of 6 pm and 11 am to mirror the times when Fountain Street pedestrianised zone is open to loading traffic. This will allow the free flow of traffic for loading vehicles, important to other businesses in the area, and reduce the risk for vulnerable road users.</i></p> |

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|            | <p><i>The Department would ask that, in making its decision, the Council fully considers the impacts on disabled people and cyclists and is informed by a public safety risk assessment that fully considers all the safety issues associated with the pavement café license applications.</i></p> <p><i>In relation to your query about traffic volumes, I can confirm that the Department does not have either vehicle or pedestrian counts for the periods before or after the closure.</i></p> <p><i>In relation to the pedestrianisation of Castle Street, in front of City Picnic, I can confirm that the Department has currently restricted all vehicles from using Castle Street between Royal Avenue to Fountain Street with the exception of cyclists under the powers conferred on it by Article 7 of the Road Traffic Regulations (Northern Ireland) Order 1997. This restriction will last until 1 April 2024 however this can be superseded or changed if it becomes necessary.</i></p> <p><i>As a final point, the Department notes from the legislation that the structures should be capable of being taken away within 20 minutes and urge the Council to ensure that any licence that it grants ensures that the permitted structures can be taken down within that timeframe.</i></p> |
| 3.4        | Officers are engaging with DfI Roads in relation to these comments and will provide a verbal update at your meeting if required.   |
| 3.5        | A representative from DfI Roads will be available at your meeting should Members wish to seek any further clarification on these matters.  |
|            | <b><u>Voodoo</u></b>   |
| 3.6        | As previously reported, Mr. Ciaran Smyth is the Licensee for the Temporary Pavement Café Licence associated with Voodoo, 9-11 Fountain Street. The current pavement café is located in the middle of Fountain Street, close to the junction with Castle Street and adjacent to the area used by City Picnic.   |
| 3.7        | Council officers have spoken with Mr. Smyth regarding finding a suitable location to relocate to in Fountain Street. A proposed plan for a new location of his pavement café has now been submitted and this will be subject to discussion with DfI Roads.   |
| 3.8        | Mr. Smyth has been invited to the meeting should Members wish to seek any further information about the application.   |
|            | <b><u>Financial and Resource Implications</u></b>  |
| 3.9        | None.  |
|            | <b><u>Equality and Good Relations Implications/Rural Needs Assessment</u></b>  |
| 3.10       | There are no issues associated with this report.   |
| <b>4.0</b> | <b>Documents Attached</b>  |
|            | Minutes of previous meeting and reports pack   |

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# Appendix

## **Licensing Committee**

### **Extract of Minute of Meeting of 16th November, 2022**

#### **Review of Pavement Café Licence – Voodoo, Fountain Street**

The Chairperson welcomed Mr. C. Smyth, Licensee and invited him to make his representation.

Mr. Smyth clarified that despite being granted a second temporary Pavement Café Licence, he was unable to establish the Santeria cocktail bar, 19 Fountain Street as the land was currently being adversely possessed by the owner of 23 Fountain Street who had taken a legal action to prevent the café being put there. He added that if the land had been the property of the owner of 23 Fountain Street, then he shouldn't have been granted a pavement café licence. Mr. Smyth advised that he had informed DfI of this matter to which DfI had declined interest. He informed the Committee that the only pavement café Voodoo had was the one shared with City Picnic in the middle of Fountain Street. He informed the Committee that the ambition for the area was to create vibrancy with limited investment due to the temporary arrangement which had been recognised by the Committee. He highlighted that energy costs were now more of an issue than Rates costs which had resulted in businesses closing. He stated that it was gracious of the Council to extend the temporary pavement café arrangement. He referred to the 4-day notice from DfI to vacate which had led him to seek political and media support which had bought time. He referred to the option of moving alongside Norwich Union House which was a possibility however, the matter of the demolition of Norwich Union House was live. He advised the Committee that he had had discussions with McAleer and Rushe who had informed him that the demolition of Norwich Union House would not take place for about 4 months due to conservation rules.

Mr. Smyth recognised the safety issues caused by reversing vehicles however, he agreed with a Member's point that the situation needed proper management.

A Member asked Mr. Smyth about the proposal of moving Voodoo's pavement café to Castle Street. He replied that the proposal was never to move to Castle Street as it was too detached from the business. Moving it to Castle Street would create security implications due to removing it from the line of sight especially as Voodoo was largely a night-time business and there were drug and alcohol issues in the area.

Another Member asked if this situation would have an impact on jobs and the business especially on the run up to Christmas. Mr. Smyth stated it would have an impact if the pavement café can't be moved and approved and referred to the current difficulty of hiring staff. Mr. Smyth highlighted the visual improvements to the area which had been created by Voodoo and City Picnic.

Mr. McFarlane asked the Council's legal advisors if the pavement café legislation allowed for a café to be placed on what was technically a public road. He reassured Mr. Smyth that DfI would work with him and reminded the Committee it was DfI that had approached City Picnic in relation to moving to Castle Street. Mr. Lawther added they would continue to work with the licensees to evolve the agreement however, the issue was the occupation of a public road which was open to the public. He asked that these licences be relocated off the public road to a more appropriate space.



The Interim City Solicitor/Director of Legal and Civic Services responded to the issues and criticisms raised by Dfl. She advised that Dfl's decision to re-open the road was in the full knowledge that the pavement café licences would be affected. She referred to the definition of the location for which pavement café licences could be granted; and clarified that pavement café licences may be issued in respect of any public area and was defined by any area the public had access to without payment as of right which includes roads.

A Member expressed that she was glad that the will of the Committee was for deferral and requested more information from Dfl in relation to a proper analysis of road safety in the area.

The Committee agreed to defer the review of the Pavement Café Licence to enable all stakeholders to discuss the matter further to find a solution and mutual consensus.



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| <b>Subject:</b>           | <b>Review of Pavement Café Licence – Voodoo, Fountain Street</b> |
| <b>Date:</b>              | 16th November, 2022  |
| <b>Reporting Officer:</b> | Stephen Hewitt, Building Control Manager, ext. 2435              |
| <b>Contact Officer:</b>   | James Cunningham, Senior Licensing Officer, ext 3375             |

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| <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> |   |
| After Committee Decision                                 | <input type="checkbox"/>  |
| After Council Decision                                   | <input type="checkbox"/>  |
| Sometime in the future                                   | <input type="checkbox"/>  |
| Never  | <input type="checkbox"/>  |

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

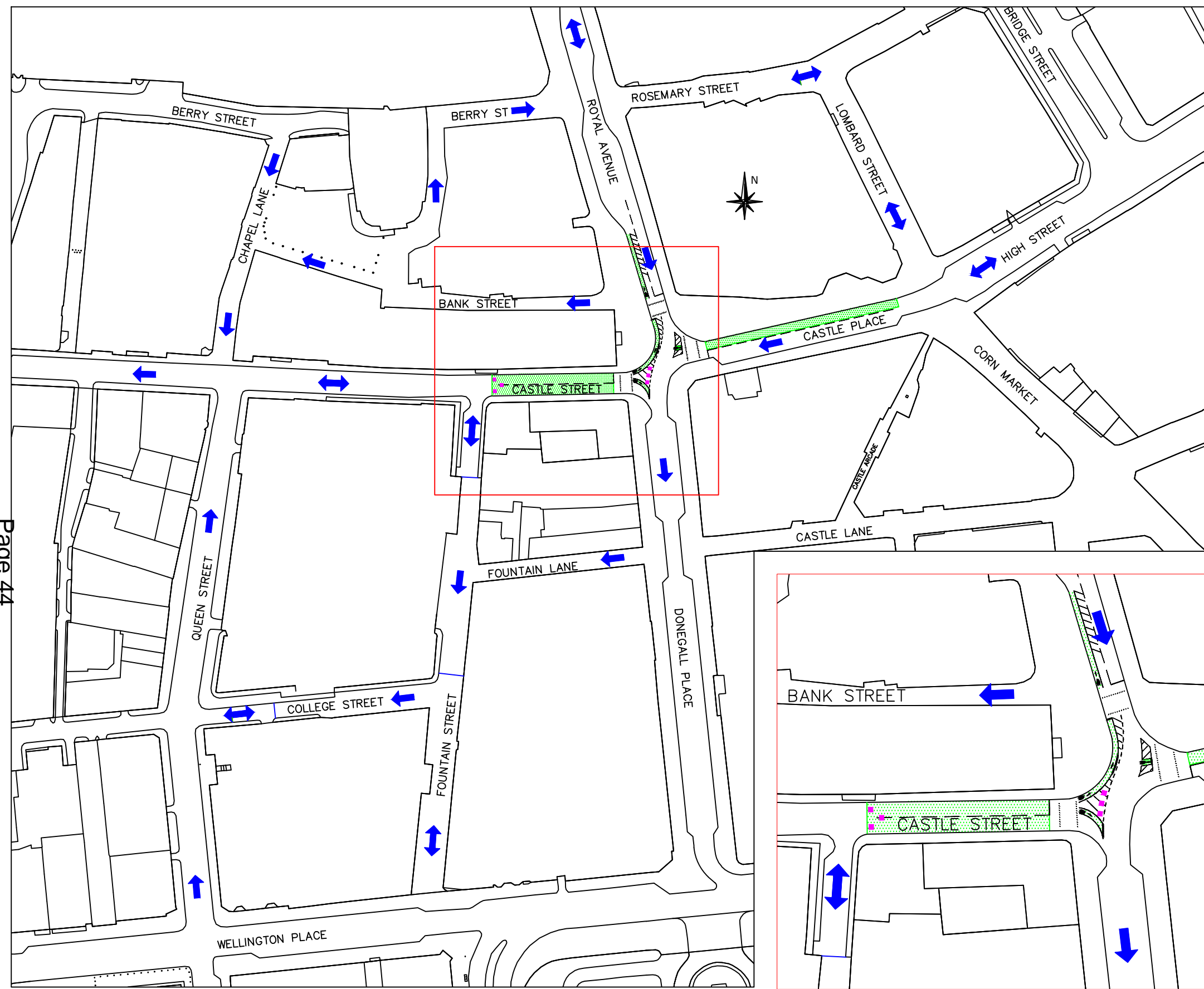
|            |   |
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| <b>1.0</b> | <b>Purpose of Report/Summary of Main Issues</b>   |
| 1.1        | To consider representations from DfI-Roads in relation to Voodoo's Temporary Pavement Café Licence, which is impacted by the reopening of Fountain Street at its junction with Castle Street. |

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| <b>2.0</b> | <b>Recommendations</b>  |
| 2.1        | Taking into account the information presented and the representations received Members are asked to consider the request from DfI Roads Service to revoke the Temporary Pavement Café Licence.  |
| 2.3        | If the Committee is minded to agree to the DfI request to revoke a Licence, the licensee must be informed to that effect and, in accordance with the Licensing of Pavement Cafés Act (Northern Ireland) 2014 be permitted to make representation regarding the revocation to the Council, with such representations to be made not less than 21 days from the date of notice. |

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| 2.4        | As a consequence, the actual decision to revoke the Licence will be considered at a meeting on a later date. There is a right of appeal to the Magistrate's Court against the revocation of a licence.   |
| <b>3.0</b> | <b>Main Report</b>   |
|            | <p><b><u>Representations from DfI - Roads</u></b></p> <p>3.1 DfI-Roads has notified the Council that, with Primark re-opening and the hoarding being removed from around the building, it intends to return the road network to pre-Primark fire arrangements in the area. With the exception being the limitation on Translink buses where control continues to be exercised through the closure of Castle Street to traffic (between Fountain Street and Donegall Place).</p> <p>3.2 A map from DfI-Roads showing traffic arrangements is attached at Appendix 1.</p> <p>3.3 One of the key reasons for returning to pre-fire arrangements is the servicing arrangements and parking for disabled users both of which were impacted in the vicinity of Fountain Street and Castle Street by the Primark fire and associated closures which were unavoidable. When the roads were closed it led to some difficult servicing arrangements, which required the reversing of vehicles. This increase in risk had to be balanced with the public safety risks associated with the Primark building and on balance were considered to be the 'least worst' option at that time.</p> <p>3.4 Returning the road network to pre-Primark fire arrangements, will allow servicing vehicles to revert to the safer option of driving forward between Castle Street and Fountain Street as historically was the case. DfI-Roads advise that it would not be considered appropriate to maintain the existing servicing arrangements (reversing vehicles), in the interests of road safety, which is of paramount importance to the Department.</p> <p>3.5 DfI-Roads has notified the Council that, in its view, Voodoo's Temporary Pavement Café needs to be removed or relocated to facilitate the safe movement of vehicular traffic.</p> <p>3.6 Representatives from DfI-Roads will be available at your meeting to outline their concerns in relation to road safety.</p> <p><b><u>Temporary Pavement Café Licensing Scheme</u></b></p> <p>3.7 The Committee is reminded that the Council, in June 2020, decided to introduce a temporary process for considering pavement café applications to assist the hospitality sector during the pandemic. The temporary pavement café licensing scheme was extended by the Council in September 2022 and will expire on 30th September 2023.</p> <p>3.8 The Council has granted Voodoo a Temporary Pavement Café Licence in Fountain Street close to the junction with Castle Street. When this licence was granted this portion of Fountain Street was closed to vehicular traffic.</p> <p>3.9 DfI-Roads has advised the licensee that pavement café space may be available on Castle Street, in the portion that will remain closed to traffic and that it will also consider any other proposals for alternative locations to which the café could be relocated.</p> <p>3.10 Council officers have met with the licensee for Voodoo and advised him to engage with DfI-Roads about potential options for relocation of their pavement cafe and that revised site plans</p> |

|      |  |
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|      | <p>based on these discussions should then be submitted to the Council for formal consultation with DfI-Roads thereafter.</p> <p><b><u>Options available within the scope of the Pavement Café Legislation</u></b></p>  |
| 3.11 | The Pavement café legislation allows the Council, if it is satisfied that any part of the public area where the pavement café is permitted is going to become unsuitable for that purpose, or that continuing to place furniture in that area is likely to result in undue interference or inconvenience to persons or vehicles in the vicinity to revoke the licence.       |
| 3.12 | Alternatively, the Committee may decide that, further to the representations of DfI-Roads, that it is not satisfied that the area where the pavement café is permitted is going to become unsuitable for that purpose, or that continuing to place furniture in that area is likely to result in undue interference or inconvenience to persons or vehicles in the vicinity. |
| 3.13 | To move the pavement café from its current location requires the licence to be revoked or surrendered and an application made for the new location. This is to protect the integrity of the application process by giving neighbours or regular users of the pavement in the vicinity, an opportunity to comment on the suitability of the revised plan.                     |
|      | <p><b><u>Notification of Revocation</u></b></p>  |
| 3.14 | Should the Committee decide to revoke the licence, the Council is required to notify the Licensee of our intention, stating the grounds for doing so and that representations may be made by the licence holder.   |
| 3.15 | The Council must provide the licensee with at least 21 days from the date of notification to make representation unless it considers that there are particular circumstances which are in the public interest that make it necessary to consider a shorter period.   |
| 3.16 | However, there is scope in the Act that the Council may decide to revoke a pavement café licence even though no notification has been given. Based on the DfI-Roads representations Committee may therefore consider if it is in the 'public interest' to revoke, the licence without giving 21 days' notice.  |
| 3.17 | Before deciding whether to revoke the licence, the council must take into account any representations made by the licence holder within the period.  |
|      | <p><b><u>Voodoo</u></b></p>  |
| 3.18 | Mr. Ciaran Smyth is the Licensee for the Temporary Pavement Café Licence associated with Voodoo, 9-11 Fountain Street, Belfast. The current pavement café is located in the middle of Fountain Street close to the junction with Castle Street and adjacent to the area used by City Picnic.   |
| 3.19 | The Committee is advised that Mr. Smyth has another Temporary Pavement Café Licence for Santeria, 19 Fountain Street, Belfast. This Licence is not affected by the reopening of Fountain Street.   |
| 3.20 | Mr. Smyth has been notified of the concerns of DfI-Roads and his response is included at Appendix 3. In summary, this states that:   |

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|            | <ul style="list-style-type: none"> <li>• because of the circumstances which all businesses have been faced with, they have reorientated their offer to make full use of their pavement cafe area and this has been a big help to their business</li> <li>• DfI-Roads is denying the organic growth of the City that local business inspire</li> <li>• he is seeking more time to develop possible alternative plans, and that</li> <li>• he is seeking the Council's help with the development of a satisfactory plan.</li> </ul> |
| 3.21       | Mr. Smyth and/or his representatives will be available at your meeting to discuss concerns in relation to the relocation of his Pavement Café.  |
|            | <b><u>Financial and Resource Implications</u></b>   |
| 3.22       | None.   |
|            | <b><u>Equality and Good Relations Implications/Rural Needs Assessment</u></b>   |
| 3.23       | There are no issues associated with this report.  |
| <b>4.0</b> | <b>Documents Attached</b>   |
|            | <p>Appendix 1 – Traffic Map</p> <p>Appendix 2 – Existing Layout Plan</p> <p>Appendix 3 - Response from the licensee in relation to DfI - Roads</p>  |



Direction of travel marked...➡  
Areas for 'cyclists only' marked...  
Location of planters marked...■

| NO. | REVISION | DATE |
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Appendix 1

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Project **CITY CENTRE**

Title **DELIVERY ARRANGEMENTS  
NOVEMBER 2022**

| FILE NO. | DESIGNED | date |
|----------|----------|------|
| DRAWN    | CHECKED  | date |
| TRACED   | APPROVED | date |

Drg. No. Revision

Scales

Eastern Division

Annex 7  
Castle Buildings  
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Belfast  
BT4 3SQ

Telephone: 0300 200 7893  
Textphone: 028 90540022

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|                    |   |
|--------------------|---|
| Subject:           | <b>Fees for Entertainments Licences</b>             |
| Date:              | 14th December, 2022                                 |
| Reporting Officer: | Stephen Hewitt, Building Control Manager, ext: 2435 |
| Contact Officer:   | Laura Hillis, Principal Control Surveyor, ext: 2469 |

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

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

|            |  |
|------------|--|
| <b>1.0</b> | <b>Purpose of Report/Summary of Main Issues</b>  |
| 1.1        | To inform the Committee of the decision of the Department for Communities that fees for the renewal of Entertainments Licences will, on 6th April 2023, revert to pre-April 2021 levels.   |
| <b>2.0</b> | <b>Recommendation</b>  |
| 2.1        | The Committee is asked to note the decision of the Department for Communities.   |
| <b>3.0</b> | <b>Background</b>  |
| 3.1        | In February 2021, the Department for Communities determined that a reduced fee of £1 would apply to applications for the renewal of all categories of Entertainments Licence, both indoor and outdoor, received on or after 6th April, 2021. |

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| 3.2 | This reduction was introduced to alleviate the hardship being experienced by the hospitality industry because of COVID-19 restrictions.  |
| 3.3 | In March 2022, the Department informed the Council that the nominal fee of £1 for renewal applications would remain for the 2022/23 financial year, subject to a further review later this year.   |
| 3.4 | Additional funding of some £17m provided by the Executive for council losses incurred as a result of the COVID-19 pandemic included provision to cover any loss of income resulting from the reduction in fees for the renewal of Entertainment Licences for 2022/23.  |
| 4.0 | <b>Key Issues</b>  |
| 4.1 | In a letter to the Council, dated 15th November 2022, the Department for Communities, having carried out a further review, has advised of its determination of the fees for Entertainment Licences.  |
| 4.2 | In the letter, the Department acknowledges that reduced licence fees have, undoubtedly, helped ease some of the financial burden for businesses in the hospitality industry, however, with the removal of all remaining COVID-19 restrictions earlier this year, licence holders will by April 2023 have had a year to return to a normal trading footing. |
| 4.3 | The Department is of the view that there is no need to continue with this easement beyond the end of the 2022/23 financial year and, therefore, fees for renewal entertainment licences will, with effect from 6 April 2023, revert to pre-April 2021 levels.  |
| 4.4 | Details of the revised fees, effective from 6th April 2023, are set out in the attached formal determination.  |
|     | <b><u>Financial and Resource Implications</u></b>  |
| 5.1 | None.  |
|     | <b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b>   |
| 6.1 | None.  |
| 7.0 | <b>Document Attached</b>   |
|     | DfC Letter and determination   |



Department for

**Communities**

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15 November 2022

Dear Chief Executive

**LOCAL GOVERNMENT CIRCULAR 19/22**

**FEES FOR ENTERTAINMENT LICENCES – DETERMINATION EFFECTIVE FROM 6 APRIL 2023**

**(LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985)**

Article 3 and Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, as amended by Article 52 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992, make provision that certain specified entertainments shall not be provided at places, except under, and in accordance with, the terms, conditions and restrictions that are included in entertainment licences granted by district councils. The legislation also requires that any application for the grant, renewal, transfer or variation of an entertainments licence shall be accompanied by such fee as the Department for Communities may from time to time determine.

Towards the beginning of 2021 the hospitality industry made representations to the Department seeking easements to the costs of entertainment licences to alleviate hardship being experienced by the industry as a result of COVID-19 restrictions at the time. Even with the easing of lockdown there remained for some time many restrictions on live music and dancing and other live performances within venues which meant businesses couldn't make full use of the entertainment licences for which they had paid.

In response the Department amended the licensing fees structure to introduce a nominal fee of £1 for renewal applications only, for all categories of entertainment licence, with effect from 6 April 2021.

The reduction was to remain in place for the duration of the 2021/2022 financial year. Following a review early in 2022 it was decided to extend the period of the easement to cover the 2022/2023 year to give businesses time to return to normal trading practices, as COVID-19 restrictions had only recently been removed. Additional funding provided by the Executive to support local councils with their financial pressures in respect of lost income and exceptional costs because of the COVID-19 pandemic was allocated to councils to cover these two years.

The reduced licence fees have undoubtedly helped ease some of the financial burden for businesses in the hospitality industry, however, with the removal of all remaining COVID-19 restrictions earlier this year, licence holders will by April 2023 have had a year to get back on a normal trading footing.

The Department is of the view that there is no need to continue with this easement beyond the end of the 2022/23 financial year and therefore with effect from 6 April 2023 fees for renewal entertainment licences will revert to pre-April 2021 levels.

Details of the revised fees, **effective from 6 April 2023**, are set out in the attached formal determination.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Liam Quinn'.

**LIAM QUINN**  
**SOCIAL POLICY UNIT**

# LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985

## DETERMINATION OF FEES FOR ENTERTAINMENTS LICENCES

The Department for Communities, in exercise of the powers conferred by Article 3 of, and paragraph 5(2)(c) of Schedule 1 to, the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985<sup>1</sup>, as amended by Article 52 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992<sup>2</sup>, hereby determines that, with effect from 6 April 2023, the fees to accompany the application to a district council for the grant, renewal, transfer or variation of an entertainments licence shall be the amounts specified in the following table:

**TABLE**

| An application relating to an indoor place of entertainment to which paragraph 1(2)(a), (b) or (d) and (6) of the above mentioned Schedule applies, where that place or premises (as the case may be) may hold:   | Occasional Licence Fee <sup>3</sup><br>£ | Full Licence Fee <sup>4</sup><br>£ |
|---|--|------------------------------------|
| - not more than 100 persons;  | 50                                       | 100                                |
| - 101 to 200 persons;   | 75                                       | 150                                |
| - 201 to 300 persons;   | 125                                      | 250                                |
| - 301 to 500 persons;   | 200                                      | 400                                |
| - 501 to 1,000 persons; and   | 375                                      | 750                                |
| - over 1,000 persons.   | 500                                      | 1,000                              |
| An application relating to an indoor place of entertainment to which paragraph 1(2)(c) and (6) of the above mentioned Schedule applies (i.e. a circus).   | Fee<br>£<br>50                           |                                    |
| An application relating to an indoor place of entertainment to which paragraph 1(4) and (6) of the above mentioned Schedule applies (i.e. where machines for entertainment or amusement, or equipment for the playing of billiards, pool, snooker or other similar games, are provided).  | 100                                      |                                    |
| An application relating to an indoor place of entertainment of any capacity for a licence to be granted under paragraph 4(2) of the above mentioned Schedule (i.e. an occasional licence) in respect of:<br><br>(a) a place used wholly or mainly for public religious worship in relation to an entertainment to which paragraph 1(2)(a), (b) or (d) and (6) of the above mentioned Schedule applies, other than any music or singing; | 50                                       |                                    |

<sup>1</sup> S.I. 1985/1208 (N.I. 15)

<sup>2</sup> S.I. 1992/810 (N.I. 6)

<sup>3</sup> A licence granted under paragraph 4(2) of the above mentioned Schedule (i.e. an occasional licence).

<sup>4</sup> A licence granted under paragraph 3 of the above mentioned Schedule.

|   |                |
|---|----------------|
| (b) a place used for religious meetings or services in relation to an entertainment to which paragraph 1(2)(a), (b) or (d) and (6) of the above mentioned Schedule applies, other than any music or singing performed as an incident of a religious meeting or service; or<br>(c) an educational institution while not being used as such in relation to an entertainment to which paragraph 1(2)(a), (b) or (d) and (6) of the above mentioned Schedule applies. |                |
| An application relating to an indoor place of entertainment of any capacity to which paragraph 1(2)(a), (b) or (d) and (6) of the above mentioned Schedule apply for a licence to be granted under paragraph 4(2) of that Schedule (i.e. an occasional licence) where the application is made by a voluntary organisation <sup>5</sup> or a charity.  | 50             |
| An application by a voluntary organisation or a charity relating to outdoor musical entertainments to which paragraph 2 of the above mentioned Schedule applies, where that place may hold:<br>- not more than 500 persons; or<br>- over 500 persons.   | 125<br>250     |
| An application, other than by a voluntary organisation or a charity, relating to outdoor musical entertainments to which paragraph 2 of the above mentioned Schedule applies, where that place may hold:<br>- not more than 500 persons; or<br>- over 500 persons.  | 1,000<br>2,000 |
| An application under paragraph 7A of the above mentioned Schedule for the variation of the terms, conditions or restrictions on or subject to which an entertainments licence is held.  | 80             |

Dated this 15<sup>th</sup> day of November 2022.



A senior officer of the Department for Communities

<sup>5</sup> A "voluntary organisation" means an organisation carrying on or proposing to carry on activities otherwise than for the purpose of gain by the organisation or individual members thereof.