

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



**Belfast  
City Council**

## **HYBRID MEETING OF THE LICENSING COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet both online and in the Lavery Room - City Hall on Wednesday, 21st June, 2023 at 5.00 pm, 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) Licenses Issued Under Delegated Authority (Pages 1 - 4)
- (b) Application for a New Licence to operate a House of Multiple Occupation for Flat 1, 6 Sandhurst Road, Belfast, BT7 1PW (Pages 5 - 64)
- (c) Application for a New Licence to operate a House of Multiple Occupation for Flat 2, 6 Sandhurst Road, Belfast, BT7 1PW (Pages 65 - 124)
- (d) Licences Issued Under Delegated Authority (Pages 125 - 136)

- (e) Application for the Grant of a 7-Day Annual Outdoor Entertainments Licence for the AC Hotel by Marriott Belfast (Pages 137 - 146)
- (f) Application to provide outdoor musical entertainment beyond 11.00 pm at Falls Park (Pages 147 - 156)
- (g) Objections received outside the 28-day statutory period to an application for the Grant of a 7-Day Annual Outdoor Entertainments Licence (Pages 157 - 168)
- (h) Consideration of objections to an application for the Renewal of an Entertainments Licence for Shaftesbury Bowling and Recreation Centre (Pages 169 - 230)
- (i) Deferred Review of Pavement Café Licence - Voodoo, Fountain Street (Pages 231 - 262)
- (j) Deferred Review of Pavement Café Licence - City Picnic, Fountain Street (Pages 263 - 294)



<b>Subject:</b>	<b>Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority</b>
<b>Date:</b>	21 June 2023
<b>Reporting Officer:</b>	Kevin Bloomfield, NIHMO Manager
<b>Contact Officer:</b>	Kevin Bloomfield, NIHMO Manager Helen Morrissey, City Protection 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"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
<b>1.1</b>	Under the Scheme of Delegation, the Director of City & Neighbourhood Services Department 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>Recommendations</b>
<b>2.1</b>	The Committee is requested to note the applications that have been issued under the Scheme of Delegation during April and May 2023.

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 April and May 2023.

Premise Name	Licensee	Ward	HMO Policy Area or Development Node
Issued April 2023			
Flat 1, 42 Wellington Park	Mr John Lambon	WINDSOR	EGLANTINE HMO 2/09
167 Ballygomartin Road	Ace Property Contracts Ltd	FORTH RIVER	NONE
71 Carmel Street	Miss Niamh McAree	CENTRAL	HOLYLAND HMO 2/22
71 Sandhurst Gardens	Mrs Bronagh Cushnahan	STRANMILLIS	STRANMILLIS HMO 2/19
122 Malone Avenue	Mrs Nicola Parker	WINDSOR	EGLANTINE HMO 2/09
Flat 2, 24 Lawrence Street	Mr Philip Howe	CENTRAL	HOLYLAND HMO 2/22
Flat 2, 72 Malone Avenue	Mrs Moira Crossey	WINDSOR	EGLANTINE HMO 2/09
30 St Ives Gardens	CapGap Limited	STRANMILLIS	SANDYMOUNT HMO 2/17
Flat 1, 10 Rugby Avenue	Mr Declan Boyle	CENTRAL	HOLYLAND HMO 2/22
11 Riverview Street	Mr William Alexander Knox	STRANMILLIS	STRANMILLIS HMO 2/19
5 Damascus Street	BLANEY MCCARTAN LTD	CENTRAL	HOLYLAND HMO 2/22
25 Strandview Street	BLANEY MCCARTAN LTD	STRANMILLIS	STRANMILLIS HMO 2/19
14 Cadogan Street	Mr Gavin McCormack	CENTRAL	HOLYLAND HMO 2/22
26 Agincourt Street	Mr Eamonn Donaghy	CENTRAL	HOLYLAND HMO 2/22
8 Candahar Street	Ms Joelle C Coudiere	ORMEAU	BALLYNAFEIGH HMO 2/03
25 Agincourt Street	Mr Shane Convery	CENTRAL	HOLYLAND HMO 2/22
11 Cadogan Street	Ms Michelle Scallon	CENTRAL	HOLYLAND HMO 2/22
16 Curzon Street	Ms Michelle Scallon	CENTRAL	HOLYLAND HMO 2/22
32 Ridgeway Street	Mr Fintan Shearer	STRANMILLIS	STRANMILLIS HMO 2/19
42 Magdala Street	Mr Joseph Erskine Holmes	CENTRAL	HOLYLAND HMO 2/22
64 Wellesley Avenue	Mr Peter Grant	WINDSOR	EGLANTINE HMO 2/09
54 Rugby Avenue	Mr Hugh Murray	CENTRAL	HOLYLAND HMO 2/22
52 Rugby Avenue	Mr Hugh Murray	CENTRAL	HOLYLAND HMO 2/22
23 Wellington Park Terrace	Mr Desmond Duffy	WINDSOR	EGLANTINE HMO 2/09
Apartment 5, 2a Windsor Drive	Mr Patrick McComiskey	WINDSOR	MEADOWBANK HMO 2/15
67 Damascus Street	Mrs Margaret O'Kane	CENTRAL	HOLYLAND HMO 2/22
34 Cairo Street	Mr Patrick Haughey	CENTRAL	HOLYLAND HMO 2/22
36 Cairo Street	Mr Patrick Haughey	CENTRAL	HOLYLAND HMO 2/22



34 Florenceville Avenue	Mrs Claire Quinn	ROSETTA	NONE
25 Surrey Street	Mr Paul McGarry	WINDSOR	MEADOWBANK HMO 2/15
6 Rathcool Street	Mr Garrett Maguire	WINDSOR	ADELAIDE HMO 2/01
Apartment 3, 1 Eglantine Avenue	Miss Catherine Savage	WINDSOR	EGLANTINE HMO 2/09
Apartment 2, 1 Eglantine Avenue	Miss Catherine Savage	WINDSOR	EGLANTINE HMO 2/09
Apartment 1, 1 Eglantine Avenue	Miss Catherine Savage	WINDSOR	EGLANTINE HMO 2/09
22 Candahar Street	Mr William Francis Campbell	ORMEAU	BALLYNAFEIGH HMO 2/03
61 Melrose Street	Mr Brendan Flynn	WINDSOR	EDINBURGH ST HMO 2/08
15 Agincourt Avenue	EMCC SOLUTIONS LTD	CENTRAL	HOLYLAND HMO 2/22
<b>Issued May 2023</b>			
16 Penrose Street	SOBE Developments Limited	CENTRAL	HOLYLAND HMO 2/22
38 Malone Avenue	Mrs Sharon McGinn	WINDSOR	EGLANTINE HMO 2/09
Apartment 1, 69 Malone Avenue	Mr Paul Lagan	WINDSOR	EGLANTINE HMO 2/09
Flat 3, 1 Eglantine Gardens	Mr Trevor Breadon	WINDSOR	EGLANTINE HMO 2/09
Flat 2, 1 Eglantine Gardens	Mr Trevor Breadon	WINDSOR	EGLANTINE HMO 2/09
Flat 1, 1 Eglantine Gardens	Mr Trevor Breadon	WINDSOR	EGLANTINE HMO 2/09
21 Ridgeway Street	Mr Trevor Breadon	STRANMILLIS	STRANMILLIS HMO 2/19
Apartment 3, 115 University Street	Mr Patrick Freehill	CENTRAL	HOLYLAND HMO 2/22
Apartment 2, 115 University Street	Mr Patrick Freehill	CENTRAL	HOLYLAND HMO 2/22
21 Chadwick Street	Mr Brian McDonnell	WINDSOR	MEADOWBANK HMO 2/15
14 Chadwick Street	Mr Brian McDonnell	WINDSOR	MEADOWBANK HMO 2/15
112 Donegall Avenue	Mr Yiu Hei Shek	BLACKSTAFF	NONE
72 Tates Avenue	Mr Henry McIlveen	WINDSOR	EDINBURGH ST HMO 2/08
1 Curzon Street	Mr Harold Smyth	CENTRAL	HOLYLAND HMO 2/22
9 Collingwood Avenue	Ms Frances McGovern	CENTRAL	HOLYLAND HMO 2/22
29 Jerusalem Street	AMA Property Lettings Ltd	CENTRAL	HOLYLAND HMO 2/22
52 Carmel Street	Mr Thomas Walsh	CENTRAL	HOLYLAND HMO 2/22
24 Chadwick Street	Mr Christopher David Blayney	WINDSOR	MEADOWBANK HMO 2/15
11 Chadwick Street	Mr Patrick McShane	WINDSOR	MEADOWBANK HMO 2/15
7 Lothair Avenue	Mr Brendan Nugent	DUNCAIRN	NONE
8 Damascus Street	Mr Declan Boyle	CENTRAL	HOLYLAND HMO 2/22
Flat 2 51 Magdala Street	Mr Shane O'Hare	CENTRAL	HOLYLAND HMO 2/22

	23 Carmel Street	Mr John McDevitt	CENTRAL	HOLYLAND HMO 2/22
	10 Harrow Street	CARRU HOLDING LTD	CENTRAL	HOLYLAND HMO 2/22
	9 Malone Road	Mrs Nicola Parker	WINDSOR	EGLANTINE HMO 2/09
	38 Jerusalem Street	Mr John Magill	CENTRAL	HOLYLAND HMO 2/22
	1 Manor Street	Mr Christopher Rooney	WATER WORKS	NONE
	107 Agincourt Avenue	Mr Tadhg Kelly	CENTRAL	HOLYLAND HMO 2/22
	34 Windsor Drive	Provincial Properties	WINDSOR	MEADOWBANK HMO 2/15
	34 Camden Street	Mr Michael Holmes	WINDSOR	FITZWILLIAM HMO 2/10
	19 Stranmillis Gardens	Mr Kelvin Graham	CENTRAL	STRANMILLIS HMO 2/19
	Apartment 2, 86 Malone Avenue	Mr Paul O'Hare	WINDSOR	EGLANTINE HMO 2/09
	39 Damascus Street	Mr Patrick Cavanagh	CENTRAL	HOLYLAND HMO 2/22
	Flat 2, 14 Lawrence Street	FGW Property Ltd	CENTRAL	HOLYLAND HMO 2/22
	Flat B, 78 University Avenue	Mr Daniel Clarke	CENTRAL	HOLYLAND HMO 2/22
	Flat 3, 33 Fitzroy Avenue	Queens Quarter Housing Ltd	CENTRAL	HOLYLAND HMO 2/22
	Flat 2, 33 Fitzroy Avenue	Queens Quarter Housing Ltd	CENTRAL	HOLYLAND HMO 2/22
	Flat 2, 37 Fitzroy Avenue	Queens Quarter Housing Ltd	CENTRAL	HOLYLAND HMO 2/22
	Flat 3, 37 Fitzroy Avenue	Queens Quarter Housing Ltd	CENTRAL	HOLYLAND HMO 2/22
	71 Jerusalem Street	Mr Eamon McIvor	CENTRAL	HOLYLAND HMO 2/22
	10 Curzon Street	Mr Peter McCrossan	CENTRAL	HOLYLAND HMO 2/22
	48 Duncairn Gardens	CMMC Developments Ltd	NEW LODGE	NONE
	Flat 1, 81 Eglantine Avenue	Fallswater Investments Limited	WINDSOR	EGLANTINE HMO 2/09
	Flat 1, 83 Eglantine Avenue	Fallswater Investments Limited	WINDSOR	EGLANTINE HMO 2/09
	5 Cairo Street	Mr Peter Quinn	CENTRAL	HOLYLAND HMO 2/22
	17 Rugby Road	Mr Peter Quinn	CENTRAL	HOLYLAND HMO 2/22
	116 Ashley Avenue	PLNI Properties Ltd	WINDSOR	ULSTERVILLE HMO 2/21
	7 Eblana Street	Mrs Anne Molloy	CENTRAL	HOLYLAND HMO 2/22
3.2	<b><u>Financial &amp; Resource Implications</u></b>			
	None			
3.3	<b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b>			
	There are no issues associated with this report.			



<b>Subject:</b>	<b>Application for a New Licence to operate a House of Multiple Occupation for Flat 1, 6 Sandhurst Road, Belfast, BT7 1PW</b>
<b>Date:</b>	21 June 2023
<b>Reporting Officer:</b>	Kevin Bloomfield, HMO Unit Manager
<b>Contact Officer:</b>	Kevin Bloomfield, HMO Unit Manager Helen Morrissey, City Protection Manager

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

1.0	Purpose of Report or Summary of main Issues			
1.1	To consider an application for a Licence permitting the use of premises as a House in Multiple Occupation (HMO).			
	Premises	Application No.	Applicant(s)	Managing Agents
	Flat 1, 6 Sandhurst Road, Belfast, BT7 1PW	9555	Queens Quarter Housing Limited	None
1.2	Members are reminded that licences are issued for a 5-year period with standard conditions. Where it is considered necessary to do so, the Committee can also impose special conditions.			
	<b><u>Background</u></b>			
1.3	The property was previously licensed as an HMO in the name of the previous owner who sold the property on the 16 September 2022.			
1.4	The applicant submitted a new licence application on the 25 August 2022 before the transfer of ownership was completed and as such the licence which was already in effect in respect in accommodation is treated as being held in accordance with section 28(3) of the Houses in Multiple Occupation Act (Northern Ireland) 2016 until this application is determined.			
1.5	This committee at its meeting on the 12 April 2023 acceded to a request from the applicant's legal representative to defer consideration of this application until a future meeting to provide them with additional time to consider the Committee report and take instruction from their client. Officers subsequently applied to the county court to allow the Council additional time to consider the application which the court granted until 10 July 2023.			
2.0	Recommendations			

2.1	<p>Taking into account the information presented Committee is asked to hear from the Applicant and make a decision to either:</p> <ul style="list-style-type: none"> <li>(i) Grant the application, with or without any special conditions; or</li> <li>(ii) Refuse the application.</li> </ul> <p><b><u>Notice of proposed decision</u></b></p>
2.2	On the 28 March 2023, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 ("the 2016 Act"), Officers issued a Notice of Proposed Decision attached at <b>Appendix 2</b>
2.3	The Notice of Proposed Decision stated that the Council proposed to refuse the licence on the basis that it is not satisfied the living accommodation is suitable for use as an HMO pursuant to section 8(2)(e) and section 13 of the 2016 Act
2.4	A statement of reasons for the proposal was included in the Notice of Proposed Decision.
2.5	If the application is refused or granted in terms different from those applied for, the applicant has a right of appeal to the County Court. Such an appeal must be lodged within 28 days of formal notification of the decision.
<b>3.0</b>	<b>Main report</b>
	<b><u>Key Issues</u></b>
3.1	<p>Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that:</p> <ul style="list-style-type: none"> <li>a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control;</li> <li>b) the owner, and any managing agent of it, are fit and proper persons;</li> <li>c) the proposed management arrangements are satisfactory);</li> <li>d) the granting of the licence will not result in overprovision of HMOs in the locality;</li> <li>e) the living accommodation is fit for human habitation and— <ul style="list-style-type: none"> <li>(i) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or</li> <li>(ii) can be made so suitable by including conditions in the licence.</li> </ul> </li> </ul> <p><b><u>Planning</u></b></p>
3.2	<p>As this is a new application the Council's Planning Service was consulted. It confirmed that a Certificate of Lawful Existing Use or Development ("CLEUD") was granted on 26 May 2020 with the planning reference LA04/2020/0336/LDE.</p> <p><b><u>Fitness</u></b></p>
3.3	When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision of the law relating to housing or of landlord and tenant law. It also permits the Council to take into account any other matter which the council considers to be relevant.
3.4	

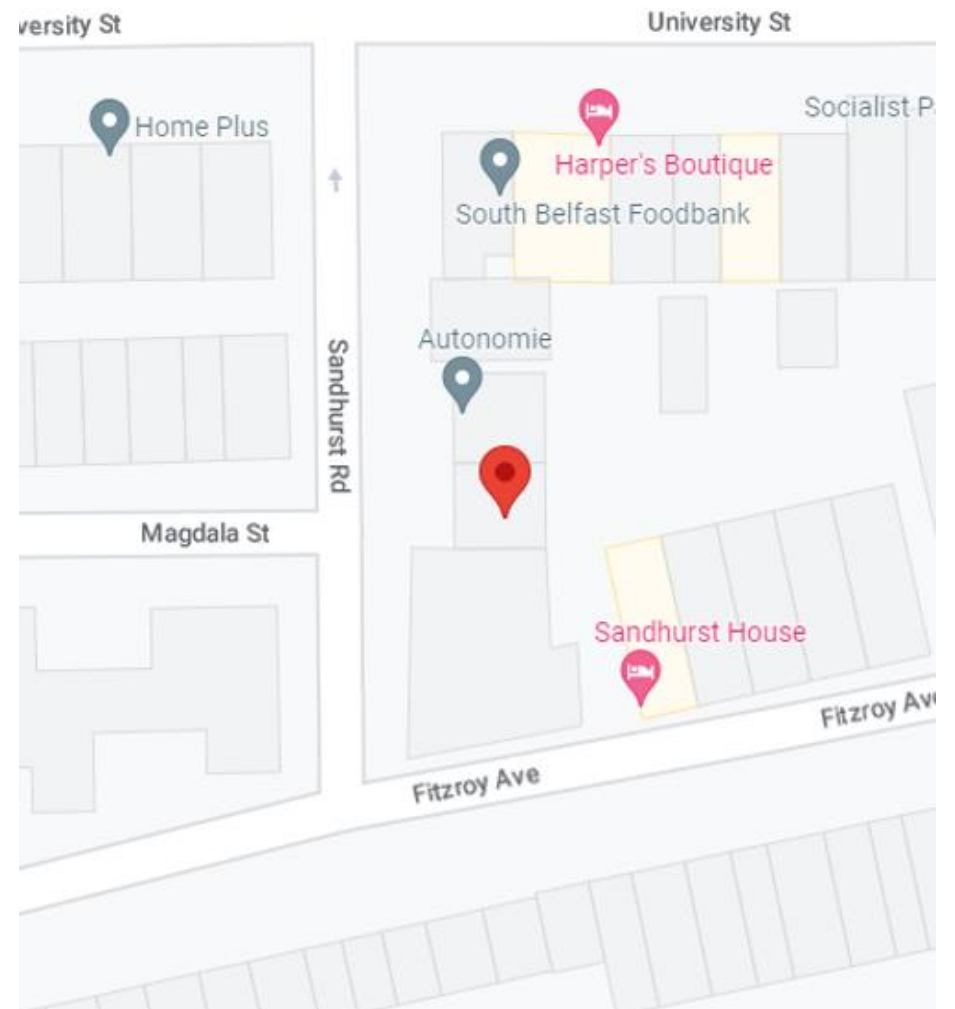
	<p>The NIHMO Unit has consulted with the following units within the Council's City and Neighbourhood Services Department –</p> <ul style="list-style-type: none"> <li>(a) Environmental Protection Unit ("EPU") - who have confirmed that in relation to night-time noise they issued a noise warning notice on the 27 January 2020,</li> <li>(b) Environmental Protection Unit ("EPU") - who have confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</li> <li>(c) Public Health and Housing Unit ("PHHU") - who have confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</li> <li>(d) Enforcement Unit ("EU") - who have confirmed that in relation to litter and waste, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</li> </ul>
3.5	<p>The Applicant has confirmed that it has not been convicted of any relevant offences as set out at paragraph 3.3 of this report.</p>
3.6	<p>The Applicant or Managing Agent have not been convicted of any HMO related offences by the Council. The EPU, PHHU and EU, solely in respect of their statutory functions, have confirmed that there are no relevant, previous convictions in respect of the Applicant, Managing Agent or occupants. Due to data protection issues which have arisen, PSNI have not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue.</p>
	<p><b><u>Suitability of living accommodation for multiple occupation</u></b></p>
3.7	<p>In determining whether living accommodation is suitable for occupation as an HMO the Council must have regard amongst other things to—</p> <ul style="list-style-type: none"> <li>(a) the accommodation's location,</li> <li>(b) the type and number of persons likely to occupy it,</li> <li>(c) the safety and security of persons likely to occupy it, and</li> <li>(d) the possibility of undue public nuisance.</li> </ul>
	<p><b><u>(a) The accommodation's location</u></b></p>
3.8	<p>The accommodation is a ground floor flat located at 6 Sandhurst Road, Belfast, BT7 1PW which is in HMO Policy Area HMO 2/22 Botanic, Holylands, Botanic.</p>
3.9	<p>The property is situated in a primarily residential area, however the adjacent property at "Lilac House" 4 Sandhurst Road is the independent living and advice centre of the charity Autonomie who work with young people (16-30 years) with a physical and/or mild to moderate learning disabilities. Autonomie also offer vital practical and emotional support to families raising a child or young person with disabilities.</p>
3.10	<p>At the junction of Fitzroy Avenue and Sandhurst Road is located Fitzroy Court which is a block of 25 retirement flats operated by Choice Housing. The boundary of Fitzroy Court is approximately 20m diagonally opposite 6 Sandhurst Road.</p>
	<p><b><u>(b) The type and number of persons likely to occupy it</u></b></p>

3.11	The director of Queens Quarter Housing Limited ("QQH") confirmed by email on the 7 December 2022 that "the accommodation is used to accommodate vulnerable adults, this at times could include persons with addictions, people with mental health issues, asylum seekers, young people leaving care, escaping domestic violence."
3.12	<p>The management plan attached at <b>Appendix 3</b> for the accommodation indicates that pre tenancy checks are undertaken prior to the commencement of the tenancy. The plan states</p> <ul style="list-style-type: none"> <li>• Where it is found that there are any issues likely to impact on their tenancy such as alcohol or drug dependency, criminal convictions or history, a full risk assessment will be carried out by suitably qualified staff at QQH and where possible a program of support and risk management</li> <li>• Where the above evaluations raise concerns, QQH may refuse the tenancy</li> </ul>
3.13	<p>The proposed occupancy level for Flat 1, 6 Sandhurst Road, Belfast, BT7 1PW is 4 persons, applications have also been received from QQH for Flat 2, 6 Sandhurst Road for 4 persons and Flat 3, 6 Sandhurst Road for 4 persons. The application for Flat 3 has been refused as the Council could not be satisfied that occupation of the living accommodation as an HMO would not constitute a breach of planning control.</p> <p><b><u>(c) The safety and security of persons likely to occupy it</u></b></p>
3.14	<p>QQH as part of their pre tenancy checks have indicated that they-</p> <ul style="list-style-type: none"> <li>• Liaise directly with both the NIHE and previous tenancy providers to ascertain any issues that may have arisen during that tenancy and verify the tenant is suitable to avail of the offered accommodation</li> <li>• If no previous tenancy has been held, prospective tenants are required to supply details of any previous addresses they have lived in within the previous twelve months</li> <li>• As all tenants are referred to QQH by the NIHE, initial checks and proof of identity are carried out on application to the NIHE for accommodation. The NIHE normally require two forms of proof of identity, one of which must relate to the previous accommodation address e.g., utility bill, picture driving licence, official letter etc.</li> <li>• Further cross checks of identity and background are carried out by QQH with NIHE and any previous accommodation providers to appraise a full evaluation of the perspective tenant</li> <li>• Where the above checks raise concern for both existing tenants or neighbours, the offer of tenancy may be refused.</li> </ul>
3.15	QQH further indicate that continuous support for their tenants is available. QQH head office located at 151 University Street, Belfast BT7 1HR, is manned 24/7 by support staff
3.16	<p>QQH have indicated that there has been incident of a service user being aggressive on the 06/12/2022 and on the 02/02/2023 PSNI attended a reported assault on one tenant by another tenant.</p> <p><b><u>Representations</u></b></p>

3.17	<p>In accordance with Paragraph 4 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 a representation is only valid if it –</p> <p>(a) is made in writing,  (b) sets out the name and address of the person making the representation, and  (c) is made on or before the deadline for making written representations.</p>
3.18	<p>Following the publication of the notice of the application, twenty valid objections were received in relation to this licence application. A copy of those representations are appended to this report as part of the notice of proposed decision at <b>Appendix 2</b></p>
3.19	<p>The objections primarily relate to concerns regarding the client group that the accommodation will house and the likelihood of public nuisance, ASB and safeguarding issues for vulnerable persons attending Lilac House.</p> <p><b><u>(d) The possibility of undue public nuisance</u></b></p>
3.20	<p>The objections to the licence application have raised a number of concerns regarding alleged and potential public nuisance associated with the clientele who reside at, or who would become resident at 6 Sandhurst Road. It has already been claimed there have been difficulties experienced with some of the residents including groups of people gathering outside of the property, smoking and drinking for up to 3 hours and the use of profanities.</p> <p><b><u>Consultation with the PSNI</u></b></p>
3.21	<p>Officers consulted with the Police Service for Northern Ireland (“PSNI”) and sought information regarding any calls they may have had to the accommodation, including the number and types of incidents. Officers also asked if the PSNI would have any concerns / objections to the granting of an HMO licence.</p>
3.22	<p>A copy of their correspondence dated 23 February 2023 is attached at <b>Appendix 4</b>.</p> <p><b><u>Consultation with the applicant</u></b></p>
3.23	<p>On the 19 January 2023, the Applicant informed Council officers of contact it had with the PSNI in relation to the premises as attached at <b>Appendix 5</b></p> <p><b><u>Incident log and photographs from Autonomie</u></b></p>
3.24	<p>On the 23 March 2023 a board member of the charity Autonomie emailed officers in the HMO Unit with an incident log together with a sequence of photographs related to alleged incidents being attributed to the occupants of 6 Sandhurst Road as attached at <b>Appendix 6</b></p> <p><b><u>Neighbourhood services report</u></b></p>
3.25	<p>As suggested in the PSNI consultation, officers from the HMO service requested details from BCC’s Neighbourhood Services of drug use paraphernalia removed by them in the locality, details of which are attached at <b>Appendix 7</b></p> <p><b><u>Attendance</u></b></p>
3.26	<p>The applicant and/or their representatives, as well as the objectors should be available to discuss any matters relating to this licence application should they arise during your meeting. Officers have also invited the PSNI to attend, who have in turn confirmed that an officer from the service will appear before members to address any queries members may have.</p>

	<p><b><u>Suitability of the premises</u></b></p>
3.27	<p>The accommodation was inspected by an officer from the NIHMO Unit on the 24 November 2022 at which time the accommodation achieved the required physical standards for an HMO.</p>
	<p><b><u>Notice of proposed decision</u></b></p>
3.28	<p>On the 28 March 2023, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 (“the 2016 Act”), Officers issued a Notice of Proposed Decision attached at <b>Appendix 2</b></p>
3.29	<p>The Notice of Proposed Decision stated that the Council proposed to refuse the licence as officers cannot be satisfied that the accommodation is suitable for use as an HMO for the specified maximum number of persons or could be made so by including conditions in the licence for the purpose of section 8(2)(e) of the 2016 Act.</p>
	<p><b>Financial and Resource Implications</b></p>
3.30	<p>None. The cost of assessing the application and officer inspections are provided for within existing budgets.</p>
	<p><b>Equality and Good Relations Implications</b></p>
3.31	<p>There are no equality or good relations issues associated with this report.</p>
<b>4.0</b>	<p><b>Appendices – Documents Attached</b></p>
	<ul style="list-style-type: none"> <li>• <b>Appendix 1</b> – External photographs and location map</li> <li>• <b>Appendix 2</b> – Notice of Proposed Decision dated 28 March 2023</li> <li>• <b>Appendix 3</b> – Management plan</li> <li>• <b>Appendix 4</b> – Consultation with the PSNI</li> <li>• <b>Appendix 5</b> – Email from applicant dated 19 January 2023</li> <li>• <b>Appendix 6</b> – Incident log and photographs of sharps</li> <li>• <b>Appendix 7</b> – Neighbourhood Services Report</li> </ul>

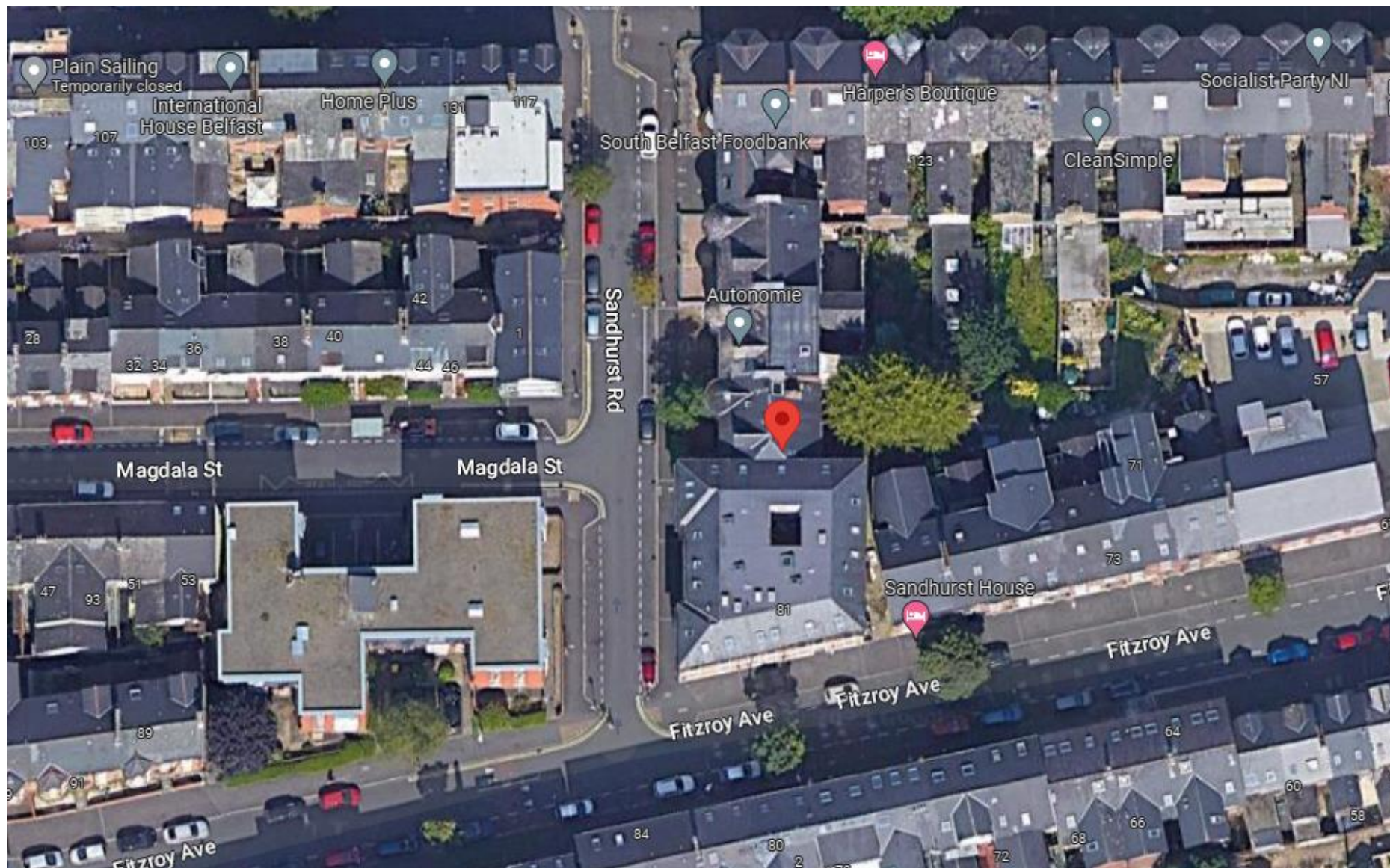












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<b>Subject:</b>	<b>Application for a New Licence to operate a House of Multiple Occupation for Flat 2, 6 Sandhurst Road, Belfast, BT7 1PW</b>
<b>Date:</b>	21 June 2023
<b>Reporting Officer:</b>	Kevin Bloomfield, HMO Unit Manager
<b>Contact Officer:</b>	Kevin Bloomfield, HMO Unit Manager Helen Morrissey, City Protection Manager

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

1.0	Purpose of Report or Summary of main Issues			
1.1	To consider an application for a Licence permitting the use of premises as a House in Multiple Occupation (HMO).			
	Premises	Application No.	Applicant(s)	Managing Agents
	Flat 2, 6 Sandhurst Road, Belfast, BT7 1PW	9570	Queens Quarter Housing Limited	None
1.2	Members are reminded that licences are issued for a 5-year period with standard conditions. Where it is considered necessary to do so, the Committee can also impose special conditions.			
	<b><u>Background</u></b>			
1.3	The property was previously licensed as an HMO in the name of the previous owner who sold the property on the 16 September 2022.			
1.4	The applicant submitted a new licence application on the 29 August 2022 before the transfer of ownership was completed and as such the licence which was already in effect in respect in accommodation is treated as being held in accordance with section 28(3) of the Houses in Multiple Occupation Act (Northern Ireland) 2016 until this application is determined.			
1.5	This committee at its meeting on the 12 April 2023 acceded to a request from the applicant's legal representative to defer consideration of this application until a future meeting to provide them with additional time to consider the Committee report and take instruction from their client. Officers subsequently applied to the county court to allow the Council additional time to consider the application which the court granted until 10 July 2023.			
2.0	Recommendations			

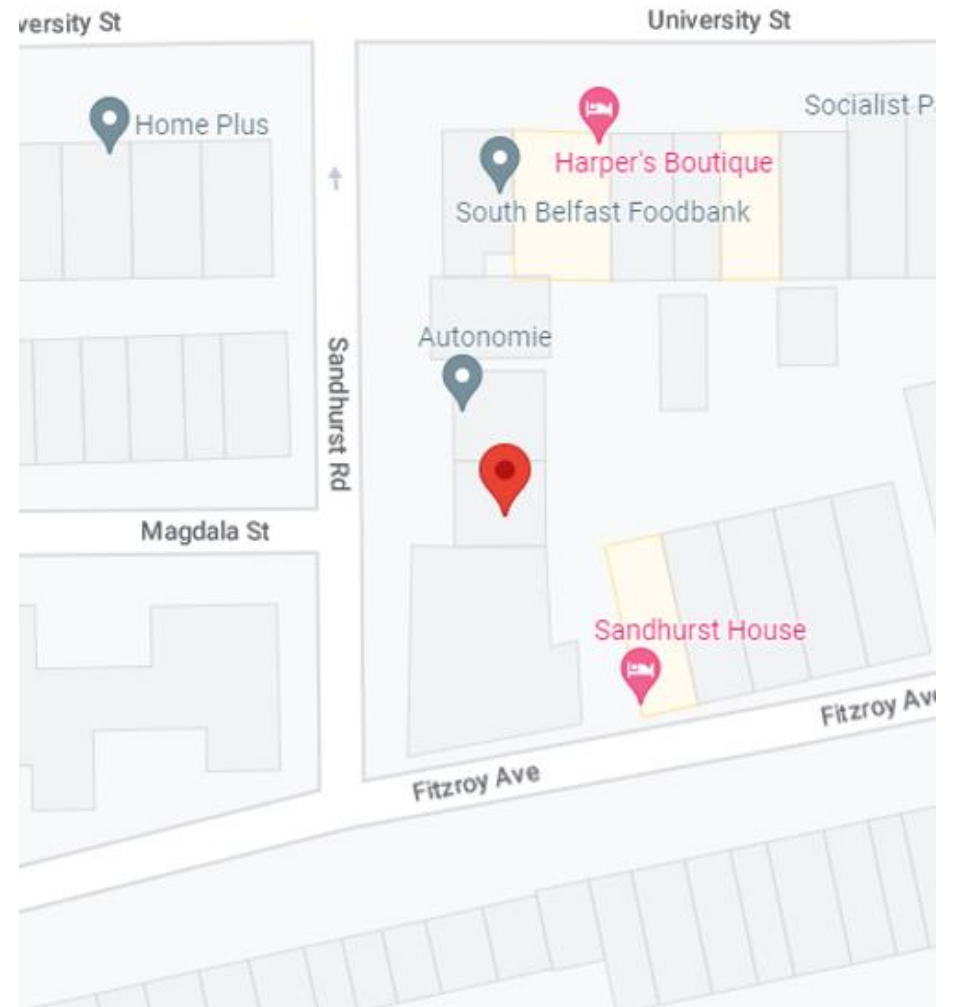
2.1	<p>Taking into account the information presented Committee is asked to hear from the Applicant and make a decision to either:</p> <ul style="list-style-type: none"> <li>(i) Grant the application, with or without any special conditions; or</li> <li>(ii) Refuse the application.</li> </ul> <p><b><u>Notice of proposed decision</u></b></p>
2.2	On the 28 March 2023, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 ("the 2016 Act"), Officers issued a Notice of Proposed Decision attached at <b>Appendix 2</b>
2.3	The Notice of Proposed Decision stated that the Council proposed to refuse the licence on the basis that it is not satisfied the living accommodation is suitable for use as an HMO pursuant to section 8(2)(e) and section 13 of the 2016 Act
2.4	A statement of reasons for the proposal was included in the Notice of Proposed Decision.
2.5	If the application is refused or granted in terms different from those applied for, the applicant has a right of appeal to the County Court. Such an appeal must be lodged within 28 days of formal notification of the decision.
<b>3.0</b>	<b>Main report</b>
	<b><u>Key Issues</u></b>
3.1	<p>Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that:</p> <ul style="list-style-type: none"> <li>a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control;</li> <li>b) the owner, and any managing agent of it, are fit and proper persons;</li> <li>c) the proposed management arrangements are satisfactory);</li> <li>d) the granting of the licence will not result in overprovision of HMOs in the locality;</li> <li>e) the living accommodation is fit for human habitation and— <ul style="list-style-type: none"> <li>(i) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or</li> <li>(ii) can be made so suitable by including conditions in the licence.</li> </ul> </li> </ul> <p><b><u>Planning</u></b></p>
3.2	<p>As this is a new application the Council's Planning Service was consulted. It confirmed that a Certificate of Lawful Existing Use or Development ("CLEUD") was granted on 26 May 2020 with the planning reference LA04/2020/0335/LDE.</p> <p><b><u>Fitness</u></b></p>
3.3	When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision of the law relating to housing or of landlord and tenant law. It also permits the Council to take into account any other matter which the council considers to be relevant.
3.4	

	<p>The NIHMO Unit has consulted with the following units within the Council's City and Neighbourhood Services Department –</p> <ul style="list-style-type: none"> <li>(a) Environmental Protection Unit ("EPU") - who have confirmed that in relation to night-time noise they issued a noise warning notice on the 27 January 2020,</li> <li>(b) Environmental Protection Unit ("EPU") - who have confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</li> <li>(c) Public Health and Housing Unit ("PHHU") - who have confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</li> <li>(d) Enforcement Unit ("EU") - who have confirmed that in relation to litter and waste, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</li> </ul>
3.5	<p>The Applicant has confirmed that it has not been convicted of any relevant offences as set out at paragraph 3.3 of this report.</p>
3.6	<p>The Applicant or Managing Agent have not been convicted of any HMO related offences by the Council. The EPU, PHHU and EU, solely in respect of their statutory functions, have confirmed that there are no relevant, previous convictions in respect of the Applicant, Managing Agent or occupants. Due to data protection issues which have arisen, PSNI have not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue.</p>
	<p><b><u>Suitability of living accommodation for multiple occupation</u></b></p>
3.7	<p>In determining whether living accommodation is suitable for occupation as an HMO the Council must have regard amongst other things to—</p> <ul style="list-style-type: none"> <li>(a) the accommodation's location,</li> <li>(b) the type and number of persons likely to occupy it,</li> <li>(c) the safety and security of persons likely to occupy it, and</li> <li>(d) the possibility of undue public nuisance.</li> </ul>
	<p><b><u>(a) The accommodation's location</u></b></p>
3.8	<p>The accommodation is a first floor flat located at 6 Sandhurst Road, Belfast, BT7 1PW which is in HMO Policy Area HMO 2/22 Botanic, Holylands, Botanic.</p>
3.9	<p>The property is situated in a primarily residential area, however the adjacent property at "Lilac House" 4 Sandhurst Road is the independent living and advice centre of the charity Autonomie who work with young people (16-30 years) with a physical and/or mild to moderate learning disabilities. Autonomie also offer vital practical and emotional support to families raising a child or young person with disabilities.</p>
3.10	<p>At the junction of Fitzroy Avenue and Sandhurst Road is located Fitzroy Court which is a block of 25 retirement flats operated by Choice Housing. The boundary of Fitzroy Court is approximately 20m diagonally opposite 6 Sandhurst Road.</p>

3.11	<p><b><u>(b) The type and number of persons likely to occupy it</u></b></p>
	<p>The director of Queens Quarter Housing Limited ("QQH") confirmed by email on the 7 December 2022 that "the accommodation is used to accommodate vulnerable adults, this at times could include persons with addictions, people with mental health issues, asylum seekers, young people leaving care, escaping domestic violence."</p>
3.12	<p>The management plan attached at <b>Appendix 3</b> for the accommodation indicates that pre tenancy checks are undertaken prior to the commencement of the tenancy. The plan states</p> <ul style="list-style-type: none"> <li>• Where it is found that there are any issues likely to impact on their tenancy such as alcohol or drug dependency, criminal convictions or history, a full risk assessment will be carried out by suitably qualified staff at QQH and where possible a program of support and risk management</li> <li>• Where the above evaluations raise concerns, QQH may refuse the tenancy</li> </ul>
3.13	<p>The proposed occupancy level for Flat 2, 6 Sandhurst Road, Belfast, BT7 1PW is 4 persons, applications have also been received from QQH for Flat 1, 6 Sandhurst Road for 4 persons and Flat 3, 6 Sandhurst Road for 4 persons. The application for Flat 3 has been refused as the Council could not be satisfied that occupation of the living accommodation as an HMO would not constitute a breach of planning control.</p>
	<p><b><u>(c) The safety and security of persons likely to occupy it</u></b></p>
3.14	<p>QQH as part of their pre tenancy checks have indicated that they-</p> <ul style="list-style-type: none"> <li>• Liaise directly with both the NIHE and previous tenancy providers to ascertain any issues that may have arisen during that tenancy and verify the tenant is suitable to avail of the offered accommodation</li> <li>• If no previous tenancy has been held, prospective tenants are required to supply details of any previous addresses they have lived in within the previous twelve months</li> <li>• As all tenants are referred to QQH by the NIHE, initial checks and proof of identity are carried out on application to the NIHE for accommodation. The NIHE normally require two forms of proof of identity, one of which must relate to the previous accommodation address e.g., utility bill, picture driving licence, official letter etc.</li> <li>• Further cross checks of identity and background are carried out by QQH with NIHE and any previous accommodation providers to appraise a full evaluation of the perspective tenant</li> <li>• Where the above checks raise concern for both existing tenants or neighbours, the offer of tenancy may be refused.</li> </ul>
3.15	<p>QQH further indicate that continuous support for their tenants is available. QQH head office located at 151 University Street, Belfast BT7 1HR, is manned 24/7 by support staff</p>
3.16	<p>QQH have indicated that there has been incident of a service user being aggressive on the 06/12/2022 and on the 02/02/2023 PSNI attended a reported assault on one tenant by another tenant.</p>

	<p><b><u>Representations</u></b></p>
3.17	<p>In accordance with Paragraph 4 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 a representation is only valid if it –</p> <p>(a) is made in writing,</p> <p>(b) sets out the name and address of the person making the representation, and</p> <p>(c) is made on or before the deadline for making written representations.</p>
3.18	<p>Following the publication of the notice of the application, twenty valid objections were received in relation to this licence application. A copy of those representations are appended to this report as part of the notice of proposed decision at <b>Appendix 2</b></p>
3.19	<p>The objections primarily relate to concerns regarding the client group that the accommodation will house and the likelihood of public nuisance, ASB and safeguarding issues for vulnerable persons attending Lilac House.</p>
3.20	<p><b><u>(d) The possibility of undue public nuisance</u></b></p> <p>The objections to the licence application have raised a number of concerns regarding alleged and potential public nuisance associated with the clientele who reside at, or who would become resident at 6 Sandhurst Road. It has already been claimed there have been difficulties experienced with some of the residents including groups of people gathering outside of the property, smoking and drinking for up to 3 hours and the use of profanities.</p>
3.21	<p><b><u>Consultation with the PSNI</u></b></p> <p>Officers consulted with the Police Service for Northern Ireland (“PSNI”) and sought information regarding any calls they may have had to the accommodation, including the number and types of incidents. Officers also asked if the PSNI would have any concerns / objections to the granting of an HMO licence.</p>
3.22	<p>A copy of their correspondence dated 23 February 2023 is attached at <b>Appendix 4</b>.</p>
3.23	<p><b><u>Consultation with the applicant</u></b></p> <p>On the 19 January 2023, the Applicant informed Council officers of contact it had with the PSNI in relation to the premises as attached at <b>Appendix 5</b></p>
3.24	<p><b><u>Incident log and photographs from Autonomie</u></b></p> <p>On the 23 March 2023 a board member of the charity Autonomie emailed officers in the HMO Unit with an incident log together with a sequence of photographs related to alleged incidents being attributed to the occupants of 6 Sandhurst Road as attached at <b>Appendix 6</b></p>
3.25	<p><b><u>Neighbourhood services report</u></b></p> <p>As suggested in the PSNI consultation, officers from the HMO service requested details from BCC’s Neighbourhood Services of drug use paraphernalia removed by them in the locality, details of which are attached at <b>Appendix 7</b></p>
3.26	<p><b><u>Attendance</u></b></p> <p>The applicant and/or their representatives, as well as the objectors should be available to discuss any matters relating to this licence application should they arise during your meeting.</p>

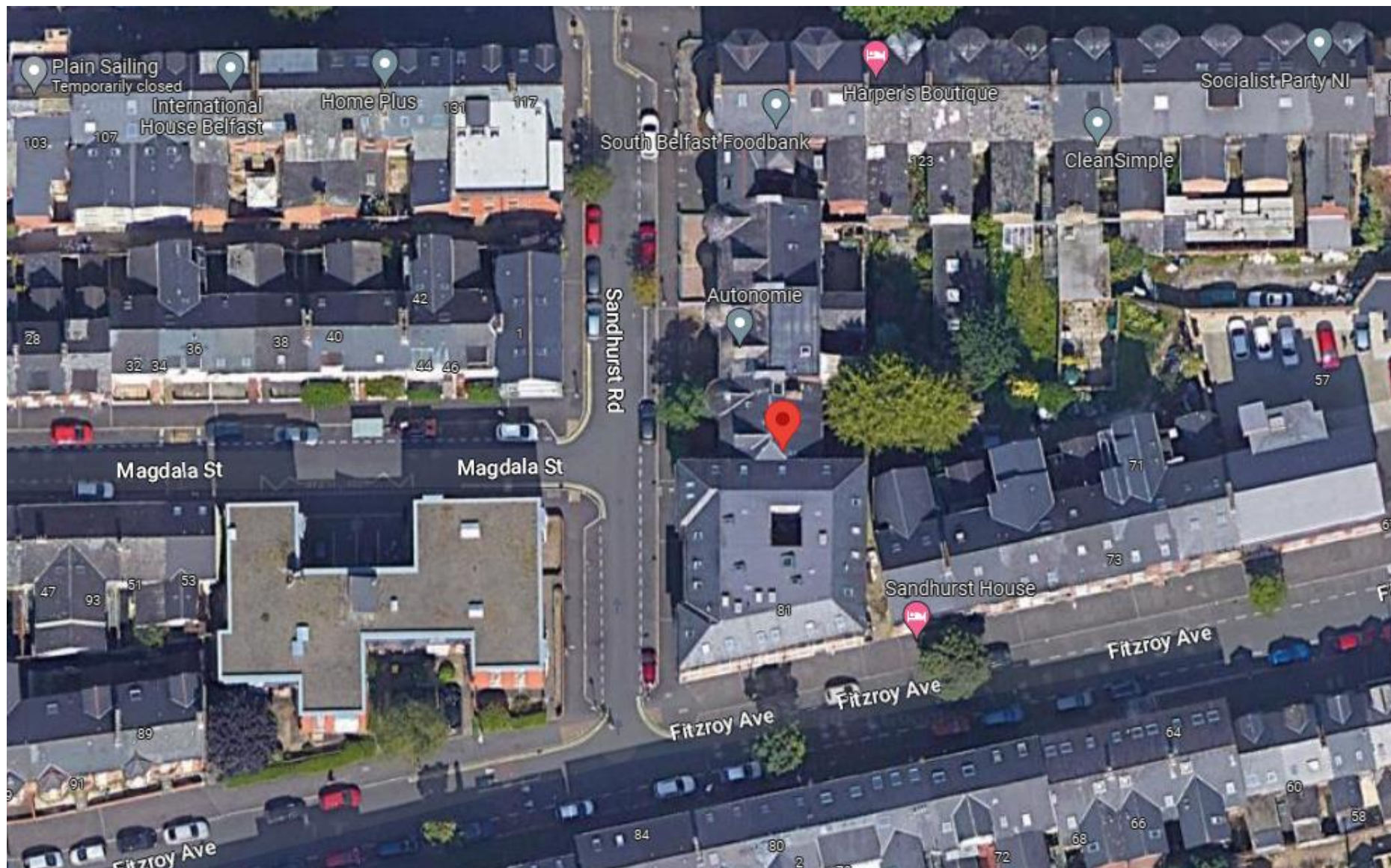
	<p>Officers have also invited the PSNI to attend, who have in turn confirmed that an officer from the service will appear before members to address any queries members may have.</p>
3.27	<p><b><u>Suitability of the premises</u></b></p> <p>The accommodation was inspected by an officer from the NIHMO Unit on the 24 November 2022 at which time the accommodation achieved the required physical standards for an HMO.</p>
3.28	<p><b><u>Notice of proposed decision</u></b></p> <p>On the 28 March 2023, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 ("the 2016 Act"), Officers issued a Notice of Proposed Decision attached at <b>Appendix 2</b></p>
3.29	<p>The Notice of Proposed Decision stated that the Council proposed to refuse the licence as officers cannot be satisfied that the accommodation is suitable for use as an HMO for the specified maximum number of persons or could be made so by including conditions in the licence for the purpose of section 8(2)(e) of the 2016 Act.</p>
3.30	<p><b>Financial and Resource Implications</b></p> <p>None. The cost of assessing the application and officer inspections are provided for within existing budgets.</p>
3.31	<p><b>Equality and Good Relations Implications</b></p> <p>There are no equality or good relations issues associated with this report.</p>
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"> <li>• <b>Appendix 1</b> – External photographs and location map</li> <li>• <b>Appendix 2</b> – Notice of Proposed Decision dated 28 March 2023</li> <li>• <b>Appendix 3</b> – Management plan</li> <li>• <b>Appendix 4</b> – Consultation with the PSNI</li> <li>• <b>Appendix 5</b> – Email from applicant dated 19 January 2023</li> <li>• <b>Appendix 6</b> – Incident log and photographs of sharps</li> <li>• <b>Appendix 7</b> – Neighbourhood Services Report</li> </ul>











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<b>Subject:</b>	<b>Licences Issued Under Delegated Authority</b>
<b>Date:</b>	21 June 2023
<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"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report or 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>Recommendations</b>
2.1	The Committee is requested to note the applications that have been issued under the Scheme of Delegation.
<b>3.0</b>	<b>Main report</b>

**Key Issues**

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

Premises and Location	Type of Application	Applicant
Alexandra Social Club, 170b Alexandra Park Avenue, Belfast, BT15 3GJ.	Renewal	Mr Samuel Crozier
American Bar, 65-65a Dock Street, Belfast, BT15 1LF.	Renewal	Mr Pedro Donald, The Spare Ltd
Ballynafeigh Apprentice Boys Flute Band, 1-5 Walmer Street, Belfast, BT7 3ED.	Renewal	Mr Stephen Biggerstaff
Ballysillan Leisure Centre, 71 Ballysillan Road, Belfast, BT14	Renewal	Mr John Marquess, Greenwich Leisure Ltd
Balmoral Bowling Club, 108c Belvoir Drive, Belfast, BT8 7DT.	Renewal	Mr Annesley Harrison
Balmoral Hotel, Blacks Road, Belfast, BT10 0ND.	Renewal	Mr Ryan Ace, HTH Hospitality Ltd
BBC Blackstaff House, 62-64 Great Victoria Street, Belfast, BT2 7BB.	Renewal	Mr Mark Taylor, BBC
Beehive Bar, 193-195 Falls Road, Belfast, BT12 6FB.	Renewal	Mr Philip Bannon, Downview Inns Ltd
Belfast Waterfront Hall, 2 Lanyon Place, Belfast, BT1 3WH.	Renewal	Mr John Griffin, Belfast Waterfront & Ulster Hall Ltd
Belmont Bowling Club, 6A Kincora Avenue, Belfast, BT4	Renewal	Mr Stephen Walker
Bootleggers, 46 Church Lane, Belfast, BT1 4QN.	Renewal	Mr Christopher Wolsey, Quay Street Merchants Ltd
Botanic Gardens Bowling Pavilion, College Park, Botanic Avenue, Belfast.	Renewal	Mr David Sales, Belfast City Council
Botanic Inn, 23-27 Malone Road, Belfast, BT9	Renewal & Transfer	Mr Cathal Sinnott, Sinnott Property Services
Boucher Road Playing Fields, Boucher Road, Belfast, BT12 6E.	Grant	Mr David Sales, Belfast City Council
Bullitt Hotel, 40A Church Lane, Belfast, BT1 4QN.	Renewal (Indoor)	Mr James Sinton, Bullitt Trading Ltd
Bullitt Hotel, 40A Church Lane, Belfast, BT1 4QN.	Renewal (Outdoor)	Mr James Sinton, Bullitt Trading Ltd
Central Catholic Club, 43a Rosemary Street, Belfast, BT1	Grant	Mr Patrick McAviney
Premises and Location	Type of Application	Applicant



	Circusful, 23-25 Gordon Street, Belfast, BT1 2LG.	Renewal	Ms Jenna Hall
	Cooke Centenary Church Hall, 9-11 Park Road, Belfast , BT7 2FW.	Renewal	Mr Roger MacNeill
	Cregagh Sports Club, 3 Gibson Park Avenue, Belfast, BT6	Renewal	Mr David Cochrane
	Cresta Golf and Social Club, 156-158 Castlereagh Road, BT5 5FS.	Renewal	Mr Mervyn H. Hamilton
	Crown Jesus Ministries, 7 Calvin Street, Belfast, BT5 4NS.	Renewal	Ms Amanda Mitchell
	Crumlin Road Gaol Visitor Attraction & Conference Centre, 53-55 Crumlin Road, Belfast, BT14	Renewal	Mr Phelim Devlin, Belfast Tours Ltd
	Crusaders Football Club, Seaview Stadium, 16 St Vincent's Street, Belfast, BT15 3QG.	Renewal	Mr Bernard Thompson
	Dark Horse, 30-34 Hill Street, Belfast, BT1 2LB.	Grant	Mr Willie Jack, Commercial Court Inns Ltd
	Donegal Celtic Social Club, 32 Suffolk Road, Belfast, BT11 9RZ.	Renewal	Mr Alexander Shannon
	Downshire Community Centre, Downshire Hall, 340-342 Cregagh Road, Belfast, BT6	Renewal	Ms Catherine Taggart, Belfast City Council
	Duke of York, 11-13 Commercial Court, Belfast, BT1	Renewal	Mr Willie Jack, Commercial Court Inns Ltd
	Duncairn Culture & Arts Centre, Duncairn Avenue, Antrim Road, Belfast, BT14 6BP.	Renewal	Mr Geoffrey Kerr, 174 Trust
	Dunmurry Presbyterian Church Hall, 224 Kingsway, Dunmurry, Belfast, BT17 9AE.	Renewal	Ms Angela Ritchie
	Empire Social Club, 337A Donegall Road, Belfast, BT12	Renewal	Mr Alan McCabe
	Europa Hotel, 11 Great Victoria Street, Belfast, BT2	Renewal	Mr Peter Gibson, HHG No4 Ltd
	Ewarts Bowling Club, 21 Somerdale Park, Belfast, BT14	Renewal	Mr Edward Smyth
	Falls Bowling & Lawn Tennis Club, 63 Andersonstown Road, Belfast, BT11 9AH.	Renewal	Mr Philip Molloy
	Falls Bowling Pavilion, Falls Park, Falls Road, Belfast, BT12 6AN.	Renewal	Mr David Sales, Belfast City Council
	Falls Leisure Centre, 15-17 Falls Road, Belfast, BT12 4PB.	Renewal	Mr Aaron McGlone, Greenwich Leisure Ltd
	Family Entertainment Centre, Kennedy Centre, 564-568 Falls Road, Belfast, BT11 9AE.	Renewal	Mr Noel Bardon, Bardon Leisure
	<b>Premises and Location</b>	<b>Type of Application</b>	<b>Applicant</b>

Fortwilliam Golf Club, 8a Downview Avenue, Belfast, BT15	Renewal	Mr Michael Graham
Fratelli Belfast, Unit 1, 60 Great Victoria Street, Belfast, BT2	Renewal	Mr Colin Johnston, Fratelli Belfast Ltd
Garrick Bar, 29 Chichester Street, Belfast, BT1 4JB.	Renewal	Mr Kevin Oates, Chichester St Pubs Ltd
Glen Park, 12-18 Ardoyne Avenue, Belfast, BT14 7DA.	Renewal	Ms Dorothea Burns, ADN NI Ltd
Grand Opera House, Great Victoria Street, Belfast, BT2	Renewal	Mr Adam McKnight, Grand Opera House Trust
Harland & Wolff Football & Social Club, 18-20 Dee Street, Belfast, BT4	Renewal	Mr John Davidson
Harp Bar, 35-39 Hill Street, Belfast, BT1 2LB.	Renewal	Mr Willie Jack, Commercial Court Inns Ltd
Hell Cat Maggie's, 2 Donegall Square West, Belfast, BT1	Renewal	Mr Henry Downey, Eagle-Glen Ltd
Highfield Rangers Supporters Club, 9-15 Highgate Terrace, Belfast, BT13 3RQ.	Renewal	Mr William McQuiston
Hillfoot Glentoran Supporters Club, 126-130 Castlereagh Road, Belfast, BT5 5FS.	Renewal	Mr Stephen Cherry
HMS Caroline, Alexandra Dock, Queens Road, Belfast, BT3 9DT.	Grant	Mr Kerry Rooney
Hollywood Bowl, Unit 2 Odyssey Pavilion, 2 Queens Quay, Belfast, BT3 9QQ.	Renewal	Mr Stephen Masterson, The Original Bowling Company (NI) Ltd
John Hewitt Bar, 51 Donegall Street, Belfast, BT1 2FH.	Renewal	Mr David Moore
Katy Dalys, Limelight, & Limelight 2, 17-21 Ormeau Avenue, Belfast, BT2 8HD.	Variation	Mr Alan Simms, The Limelight Belfast Ltd
Kitchen Bar, Unit 42 UG, 1 Victoria Square, Belfast, BT1 4QG.	Renewal	Mr Henry Downey, Eagle-Glen Ltd
Knockbreda Parish Church Hall, Purdy's Lane, Newtownbreda, Belfast, BT8 7AR.	Renewal	Mrs Wilma Chrusciak
Lamh Dhearg CLG, 168 Upper Springfield Road, Belfast, BT17 0LZ.	Renewal	Mr Michael Boyle
Laurel Leaf Bar, Unit 14 Twin Spires Centre, 155 Northumberland Street, Belfast, BT13	Renewal	Mr Brendan Mc Kee
Ligoniel & District Homing Pigeon Club 46a Glenbank Place, Belfast, BT14 8AN.	Renewal	Mr Stephen Forsythe
Linfield Supporters Club, Jumna Street, Belfast, BT13 1NX.	Renewal	Mr Charles Butler
<b>Premises and Location</b>	<b>Type of Application</b>	<b>Applicant</b>

Maddens Bar, 74 Berry Street, Belfast, BT1 1FJ.	Renewal	Mr Brian McMullan
Maldron Hotel, 20 Brunswick Street, Belfast, BT2	Renewal	Mr Mike Gatt, DHG Brunswick Ltd
Malmaison Hotel, 34-38 Victoria Street, Belfast, BT1	Renewal	Mr Eamonn Elliott, Malmaison (Belfast) Ltd
Malone House, Barnetts Demesne, Malone Road, Belfast, BT9 5PB.	Renewal	Ms Ciara Glennon
McLaughlin's Bar, 147-153 Antrim Road, Belfast, BT15	Renewal	Mr Kieran McGuigan, McGuiginns Ltd
Michael Davitt GAC, 75-79 Falls Road, Belfast, BT12 4PE.	Renewal	Mr Kieran Rowntree
Mountainview Tavern, 417-421 Shankill Road, Belfast, BT13	Renewal	Mr Wilson McArthur, Mountainview Tavern Enterprises Ltd
Muriel's, 12-14 Church Lane, Belfast, BT1 4QN.	Grant	Ms Janine Kane, JK Pubs Ltd
Nancy Mulligans Bar, 95-97 Castle Street, Belfast, BT1 1GJ.	Variation	Mr Sean Duffy, Walfrid Inns Ltd
Northern Whig House, 2-10 Bridge Street, Belfast, BT1 1LU.	Renewal	Mr Stephen Magorrian, Northern Whig Trading Ltd
Northwood Linear Park, Shore Road, Belfast, BT15 3LZ.	Renewal	Mr David Sales, Belfast City Council
Oh Yeah Music Centre, 15-21 Gordon Street, Belfast, BT1	Renewal	Mr Ryan O'Neill, Oh Yeah Music Centre Ltd
Orangefield Presbyterian Church, 464 Castlereagh Road, Belfast, BT5	Renewal	Mr David Irvine
Ox Cave Restaurant, 3 Oxford Street, Belfast, BT1 3LA.	Renewal	Mr Stephen Toman, Varenne Restaurants Ltd
Pavilion Bar, 296-298 Ormeau Road, Belfast, BT7	Renewal	Mr Bernard Lavery
Portside Inn, 1 Dargan Road, Belfast, BT3 9JU.	Renewal	Mr Alan Simms
Pug Uglys, 21 Bedford Street, Belfast, BT2 7EJ.	Renewal	Mr Paul Langsford, Bedford Taverns Ltd
QUB, Sonic Arts & Computer Science Research Centre, Ashby Complex, Cloreen Park, Belfast, BT9 5BX.	Renewal	Ms Joanne Clague, Queens University Belfast
QUB, The Club House, Queen's Sport, Upper Malone Road, Belfast, BT9 5NB.	Renewal	Ms Joanne Clague, Queens University Belfast
QUB, The Harty Room, University Square, Belfast, BT7 1NN.	Renewal	Ms Joanne Clague, Queens University Belfast
<b>Premises and Location</b>	<b>Type of Application</b>	<b>Applicant</b>

QUB, The Great Hall, University Road, Belfast, BT7 1NN.	Renewal	Ms Joanne Clague, Queens University Belfast
Ramada By Wyndham, 20 Talbot Street, Belfast, BT1 2LD.	Renewal	Mr Marc McCrea, Duales Asset No1 Ltd
RAOB Headquarters Club & Institute, 17 Church Street, Belfast, BT1 1PG.	Renewal	Mr Robert Jameson
Rosemary Presbyterian Church Hall, 19 North Circular Road, Belfast, BT15 5HB.	Renewal	Mr Roy Eakin
Royal Bar, 237 Shankill Road, Belfast, BT13 1FR.	Renewal	Mr James Hanna, Bar None NI Ltd
Sarsfield GAC, 25A Stewartstown Avenue, Belfast, BT11 9GE.	Renewal	Ms Fiona Maguire
Shamrock Sports & Social Club, 5A Flax Street, Belfast, BT14 7EJ.	Renewal	Mr Paul Carson
Shandon Park Golf Club, 73 Shandon Park, Belfast, BT5 6NY.	Renewal	Ms Marianne Hood
Short Brothers Recreation Club, 336a Holywood Road, Belfast, BT4	Renewal & Variation	Mr John Irvine
Shu Restaurant, 253-255 Lisburn Road, Belfast, BT9	Renewal	Mr Alan Reid, Fine-Foods Ltd
Spectrum Centre, 331-333 Shankill Road, Belfast, BT13	Renewal	Ms Nicola Verner, Greater Shankill Partnership Property Development Co Ltd
SS Nomadic, Hamilton Dock, Queens Road, Belfast, BT2 9EP.	Renewal	Ms Judith Owens, Titanic Belfast Ltd
St Anne's Cathedral Church Hall, Donegall Street, Belfast, BT1 2HB.	Renewal	Mr Trevor Douglas
St Colmcilles Parochial Hall, 191 Upper Newtownards Road, Belfast, BT4 3JB.	Renewal	Rev Conor McGrath
St Finnian's Church Hall, Cregagh Park, Belfast, BT6 9QH.	Renewal	Ms Linda Leonard
St Georges Market, 12-20 East Bridge Street, Belfast, BT1	Renewal	Ms Clodagh Cassin, Belfast City Council
St John's Presbyterian Church, 374-378 Ormeau Road, Belfast, BT7	Renewal	Ms Patricia Mills
St Matthews Church Hall, 403 Shankill Road, Belfast, BT13 3AF.	Renewal	Rev Tracey McRoberts
St Matthews Sports & Social Club, 25 Mountforde Road, Belfast, BT5	Renewal	Ms Frances Boyle
St Pauls GAC, 98A Shaws Road, Belfast, BT11 9QR.	Renewal	Mr Mark Carey
<b>Premises and Location</b>	<b>Type of Application</b>	<b>Applicant</b>

Strand Arts Centre, 152-156 Holywood Road, Belfast, BT4	Renewal	Ms Linda Smyth
Stranmillis College Bar-Scholars, Stranmillis Road, Belfast, BT9 5DY.	Renewal	Ms Christine Nesbitt, Stranmillis University College
Stranmillis College Drama Theatre, Stranmillis Road, Belfast, BT9 5DY.	Renewal	Ms Christine Nesbitt, Stranmillis University College
Sunflower Bar, 65 Union Street, Belfast, BT1 2JG.	Renewal	Mr Pedro Donald, Yellow Brick Road (NI) Ltd
Taughmonagh Social Club, 31A Finwood Park, Belfast, BT9 6QR.	Renewal	Mr Colin Geary
Teal Monkey, 89 Dublin Road, Belfast, BT2 7HF.	Grant	Mr Eamonn Trainor, Havana Grill (NI) Ltd
Ten Square, 10 Donegall Square South, Belfast, BT1 5JD.	Renewal	Mr Christopher Kearney, Loughview Leisure Group
The Avenue Arts Centre, Windsor Presbyterian Church, 1A Derryvolgie Avenue, Belfast, BT9	Grant	Mrs Siobhan McAllister, JH Academy Outreach CIC
The Belfast Barge, Lanyon Quay, Belfast, BT1 3LQ.	Renewal	Ms Joyce Anderson, Lagan Legacy Ltd
The Dirty Onion, Yard Bird & Second Fiddle, 3 Hill Street, Belfast, BT1 2LA.	Renewal (Outdoor)	Mr James Sinton, Cathedral Leisure Ltd
The Dirty Onion, Yard Bird & Second Fiddle, 3 Hill Street, Belfast, BT1 2LA.	Renewal (Indoor)	Mr James Sinton, Cathedral Leisure Ltd
The Fitzwilliam Hotel Belfast, Great Victoria Street, Belfast, BT2	Renewal	Mr Cian Landers, Graffan Properties Ltd
The Malone, 54-64 Eglantine Avenue, Belfast, BT9 6DY.	Renewal	Miss Seanna Kerr
The Merchant Hotel, 16 Skipper Street, Belfast, BT1 2DZ.	Renewal (Indoor)	Mr James Sinton, The Merchant Hotel Ltd
The Merchant Hotel, 16 Skipper Street, Belfast, BT1 2DZ.	Renewal (Outdoor)	Mr James Sinton, The Merchant Hotel Ltd
The Metropolitan Arts Centre, 10 Exchange Street West, Belfast, BT1 2NJ.	Renewal	Ms Anne McReynolds
The Mount Inn, 156 North Queen Street, Belfast, BT15 1HQ.	Renewal	Mr Desmond Quinn
The National Grande Cafe Bar & Sixty6, 62-68 High Street, Belfast, BT1 2BE.	Renewal (Outdoor)	Mr James Sinton, Cathedral Leisure Ltd
The National Grande Cafe Bar & Sixty6, 62-68 High Street, Belfast, BT1 2BE.	Renewal (Indoor)	Mr James Sinton, Cathedral Leisure Ltd
The Points, 44 Dublin Road, Belfast, BT2 7HN.	Renewal	Ms Catherine Mccrory, Corick Facilities Management Ltd
<b>Premises and Location</b>	<b>Type of Application</b>	<b>Applicant</b>

The Sanctuary Theatre, Mountpottinger NSP Church, 1a Castlereagh Street, Belfast, BT5	Grant	Mr Trevor Gill, The Bright Umbrella Drama Co
The Skainos Centre, 239 Newtownards Road, Belfast, BT4	Renewal	Ms John Nicholson, Skainos Ltd
The Stadium Bar, 346-348 Shankill Road, Belfast, BT13	Renewal	Mr Steven Harrison
Thompsons Garage, 3 Pattersons Place, Belfast, BT1 4HW.	Renewal	Mr Stephen Boyd, Endless Music Ltd
Times Bar, 24-28 York Road, Belfast, BT15 3HE.	Renewal	Mr Brian Boyd
Titanic Hotel, Queens Road, Belfast, BT3 9DT.	Renewal	Mr Adrian McNally, Titanic Hotel Belfast Ltd
Tullycarnet Bowling Pavilion, Tullycarnet Park, Kingswood Park, Belfast, BT5 7GE.	Renewal	Mr David Sales, Belfast City Council
Ulster Museum, 4 Stranmillis Road, Belfast, BT9 5AB.	Renewal	Mr Martin McCrea
Ulster Sports Club, 96-98 High Street, Belfast, BT1 2BG.	Grant	Mr James Sinton, Out of Office Brewing Ltd
Ulster University, Belfast Campus (Block BA), York Street, BT15 1ED.	Renewal	Ms Amanda Castray, Ulster University
Ulster University, Blocks BC&BD, York Street, Belfast, BT15 1ED.	Grant	Ms Amanda Castray, Ulster University
Vault Artist Studios, 4-48 Tower Street, Belfast, BT5 4FH.	Renewal	Mr Neal Campbell
Voodoo, 9-11 Fountain Street, Belfast, BT1	Renewal	Mr Ciaran Smyth, Phoenix Wine and Spirit Stores Ltd
Wedderburn Playing Fields, 5 Wedderburn Gardens, Belfast, BT10 0FZ.	Renewal (Marquee)	Mr David Sales, Belfast City Council
Wedderburn Playing Fields, 5 Wedderburn Gardens, Belfast, BT10 0FZ.	Renewal (Outdoor)	Mr David Sales, Belfast City Council
West Belfast HPS Club, 19 Bootle Street, Belfast, BT13 3GQ.	Renewal	Mr Hugh Stockman
Whites Tavern, 2-4 Winecellar Entry & 16-18 High Street, Belfast, BT1 1QN.	Renewal (Outdoor)	Mr Paul Langsford, Clover Pubs NI NO.3 Ltd
Whites Tavern, 2-4 Winecellar Entry & 16-18 High Street, Belfast, BT1 1QN.	Renewal (Indoor)	Mr Paul Langsford, Clover Pubs NI NO.3 Ltd
Woodvale Park Bowling Pavilion, Woodvale Road, Belfast, BT13 3BN.	Renewal	Mr David Sales, Belfast City Council
Woodvale Park, Woodvale Road, Belfast, BT13 3BW.	Renewal (Marquee)	Mr David Sales, Belfast City Council
<b>Premises and Location</b>	<b>Type of Application</b>	<b>Applicant</b>

3.2	Woodvale Park, Woodvale Road, Belfast, BT13 3BW.	Renewal (Outdoor)	Mr David Sales, Belfast City Council
	Youth Action NI, 14 College Square North, Belfast, BT1	Renewal	Mr Martin McMullan
Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 the following Amusement Permits were issued since your last meeting.			
3.3	<b>Premises and Location</b>	<b>Type of Application</b>	<b>Applicant</b>
	Jet Amusements, 32-46 Castlereagh Road, Belfast, BT5	Renewal	Mr James Johnston
	Twilight Zone Amusement Centre, 191 Kingsway, Dunmurry, Belfast, BT17 9RY.	Renewal	Eze Gaming
	Twilight Zone, 100-150 York Street, Belfast, BT15	Renewal	Eze Gaming
	Twilight Zone, 13 North Street, Belfast, BT1 1NA.	Renewal	Eze Gaming
	Hollywood Bowl, Unit 2 Odyssey Pavilion, 2 Queens Quay, Belfast, BT3 9QQ.	Renewal	Mr Stephen Masterson, The Original Bowling Company (NI) Ltd
	Under the terms of the Cinemas (Northern Ireland) Order 1991 the following Cinema Licences were issued since your last meeting.		
	<b>Premises and Location</b>	<b>Type of Application</b>	<b>Applicant</b>
	Belfast Waterfront Hall, 2 Lanyon Place, Belfast, BT1 3WH.	Renewal	Mr John Griffin, Belfast Waterfront & Ulster Hall Ltd
	Cineworld, Odyssey Pavilion, 2 Queens Quay, Belfast, BT3 9QQ.	Renewal	Ms Slavena Marina, Cine-UK Ltd
	Fratelli Belfast, Unit 1, 60 Great Victoria Street, Belfast, BT2	Renewal	Mr Colin Johnston, Fratelli Belfast Ltd
	Omniplex Cinema, Kennedy Centre, 564 - 568 Falls Road, Belfast, BT11 9AD.	Renewal	Ms Victoria Anderson, Omniplex Holdings NI Ltd
	Strand Arts Centre, 152-156 Holywood Road, Belfast, BT4	Renewal	Ms Linda Smyth
	The Avenue, Unit 34B, Castlecourt Shopping Centre, 12-56 Royal Avenue, Belfast, BT1	Grant	Mr Paul John Anderson, Omniplex (Castlecourt) Ltd
	The Metropolitan Arts Centre, 10 Exchange Street West, Belfast, BT1 2NJ.	Grant	Ms Anne McReynolds
	Titanic Belfast, 1 Olympic Way, Belfast, BT3 9EP.	Renewal	Ms Judith Owens, Titanic Belfast Ltd
	Ulster Museum, 4 Stranmillis Road, Belfast, BT9 5AB.	Renewal	Mr Martin McCrea

3.4

Under the terms of the Petroleum Consolidation Act 1929 the following Petroleum Licences were issued since your last meeting.

Premises and Location	Type of Application	Applicant
Centra Foxes Glen Service Station, 228-232 Stewartstown Road, Belfast, BT17 0LB.	Grant	Mr Connor Fitzgerald
Edenderry Filling Station, 298 Crumlin Road, Belfast, BT14 7EE.	Grant	Mr Alan Pollock, Maxol Oil Ltd
GO Grand Parade, 77 Grand Parade, Belfast, BT5 5HG.	Renewal	Mr Daniel Loughran, LCC Group Ltd
Go GVS, 112-114 Great Victoria Street, Belfast, BT2 7BG.	Renewal	Mr Daniel Loughran, LCC Group Ltd
Go Twin Spires, 5 Falls Road, Belfast, BT13 2JF.	Renewal	Mr Daniel Loughran, LCC Group Ltd
Go Yorkgate, 1 Brougham Street, Belfast, BT15	Renewal	Mr Daniel Loughran, LCC Group Ltd
Lanark Way Filling Station, 18 Lanark Way, Belfast, BT13 3BH.	Renewal	Mr Karl Hunter, Rathen Ltd

3.5

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

Location	Type of Application	Commodity	Hours Licensed	Applicant
Ballynafeigh, Ballymacarrett, Braniel, Castlereagh, Cregagh, Knocknagoney, Sydenham	Mobile	Cold beverages, Confectionary, Ice cream	Sun – Sat: 12:00 – 21:00	Mr Raymond Joy
Blackstaff Way at Delta Print and Packaging	Stationary	Hot & Cold Food & Beverages	Mon – Sat: 07:30 – 18:00	Mr Gavin Brown

3.6

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

Location	Type of Activity	Date and Hours permitted	Applicant
James Street South, Franklin Street	Filming	17, 18, 19, 26, 27 April 2023 07:00 – 20:00	Mr Gareth Hogan
Library Street, Union Street, Little Donegall Street	Filming	20, 21, 27 April 2023 07:00 – 22:00	Mr Gareth Hogan
Sandy Row	Street Party	06 May 2023 12:00 – 16:30	Ms Danielle Burrows
Reid Street	Street Party	07 May 2023 12:00 – 17:00	Ms Clare Higgs
Location	Type of Activity	Date and Hours permitted	Applicant



	Woodstock Road	Community Event	08 May 2023 09:00 – 22:00	Mr Stephen Gough
	Manderson Street, CS Lewis Square	Community Event	From 12:00 09 June to 20:00 11 June 2023	Ms Christie Mayne
	Union Street, Kent Street	Filming	From 06:00 19 May to 02:00 26 May 2023	Mr David Cooke
	South Parade	Filming	31 May to 01 June 2023 06:00 – 18:00	Mr Johnny Scott
	Circular Road	Street Party	24 June 2023 13:00 – 18:00	Ms Clare Martin
3.7	Under the terms of the Licensing of Pavement Cafés Act (Northern Ireland) 2014 no Pavement Café Licences were issued since your last meeting.			
	<b><u>Financial &amp; 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.			

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**Belfast**  
City Council

## LICENSING COMMITTEE

<b>Subject:</b>	<b>Application for the Grant of a 7-Day Annual Outdoor Entertainments Licence for the AC Hotel by Marriott Belfast</b>
<b>Date:</b>	21 June 2023
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, Ext. 2435
<b>Contact Officer:</b>	Fiona Millen, Building Control Surveyor, Ext 2572

<b>Restricted Reports</b>	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

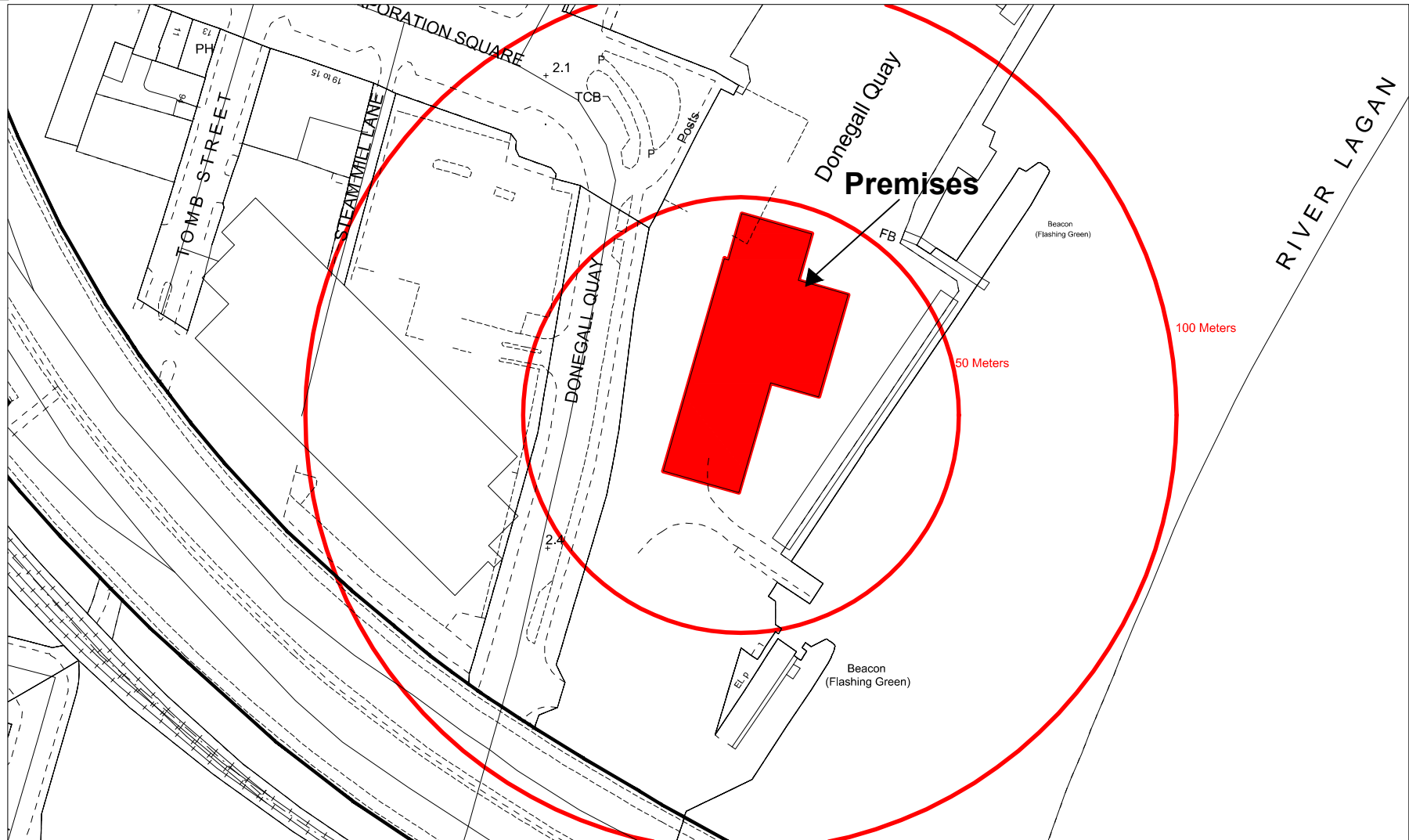
<b>Call-in</b>	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues		
1.1	To consider an application for the grant of a 7-Day Annual Outdoor Entertainments Licence based on the Council's standard conditions, to provide outdoor musical entertainment for:		
	<b>Area and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>
	AC Hotel by Marriott 90 Donegall Quay Belfast, BT1 3FE	WK/2022/00703	Mr Ruairi McLaughlin
1.2	A location map is attached as Appendix 1		

<b>2.0</b>	<b>Recommendations</b>
2.1	<p>Taking into account the information presented and any representations made in respect of the application you are required to make a decision to either:</p> <ul style="list-style-type: none"> <li>a) Approve the application for the grant of the 7-Day Annual Outdoor Entertainments Licence, or</li> <li>b) Approve the application for the grant with special conditions, or</li> <li>c) Refuse the application for the grant of the 7-Day Annual Outdoor Entertainments Licence.</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, outdoor 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>3.1 The applicant has applied to provide musical entertainment in the form of live music, within an outdoor area at the Hotel's main building. The Hotel has an existing Indoor Entertainments Licence.</p> <p>3.2 The days and hours during which entertainment may be provided under the terms of the Indoor Entertainments Licence are:</p> <ul style="list-style-type: none"> <li>• Monday to Saturday 11.30am to 01.00am, and</li> <li>• Sunday 12.30pm to 01.00am.</li> </ul> <p>3.3 The applicant has proposed to provide entertainment within the new outdoor area to 11.00pm. The day and hours proposed are:</p> <ul style="list-style-type: none"> <li>• Monday to Sunday: 12:00 pm to 11.00pm</li> </ul> <p>3.3 A layout plan is attached as Appendix 2.</p> <p>3.4 Members are reminded that all applications for the grant of Outdoor Entertainments Licences must be brought before Committee for consideration.</p> <p><b><u>Representations</u></b></p> <p>3.5 No written representation has been received as a result of the public notice of the application.</p> <p><b><u>PSNI</u></b></p> <p>3.6 The Police Service of Northern Ireland have been consulted in relation to the application and have confirmed that they have no objection to the application.</p> <p>3.7 A copy of their response is included as appendix 3 to this report.</p>

	<p><b><u>NIFRS</u></b></p> <p>3.8 The Northern Ireland Fire and Rescue Service have been consulted in relation to the outdoor application and have confirmed that they have no objection to the application.</p> <p><b><u>Health, safety and welfare</u></b></p> <p>3.9 Members are advised that Officers have carried out one During Performance Inspection over the past 12 months. On this occasion, all technical matters were satisfactory, and the appropriate measures and management procedures were being implemented effectively.</p> <p>3.10 The premises have also been subject to inspections as part of the licensing application process and all technical requirements and associated operational and management procedures have been checked and are satisfactory</p> <p><b><u>Noise</u></b></p> <p>3.11 The applicant has provided the Service with a noise impact assessment report from an acoustic consultant for the outdoor area. This has been evaluated by our Environmental Protection Unit (EPU) who are satisfied with it.</p> <p><b><u>Applicant</u></b></p> <p>3.12 The applicant, and/or their representative will be available at your meeting to answer any queries you may have in relation to the application.</p>
<b>4.0</b>	<p><b>Financial &amp; Resource Implications</b></p> <p>None</p>
<b>5.0</b>	<p><b>Equality or Good Relations Implications/Rural Needs Assessment</b></p> <p>There are no issues associated with this report.</p>
<b>6.0</b>	<p><b>Appendices – Documents Attached</b></p>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Location map</li> <li>• Appendix 2 – Layout plan</li> <li>• Appendix 3 – PSNI Comments</li> </ul>

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DATE 13/04/2023

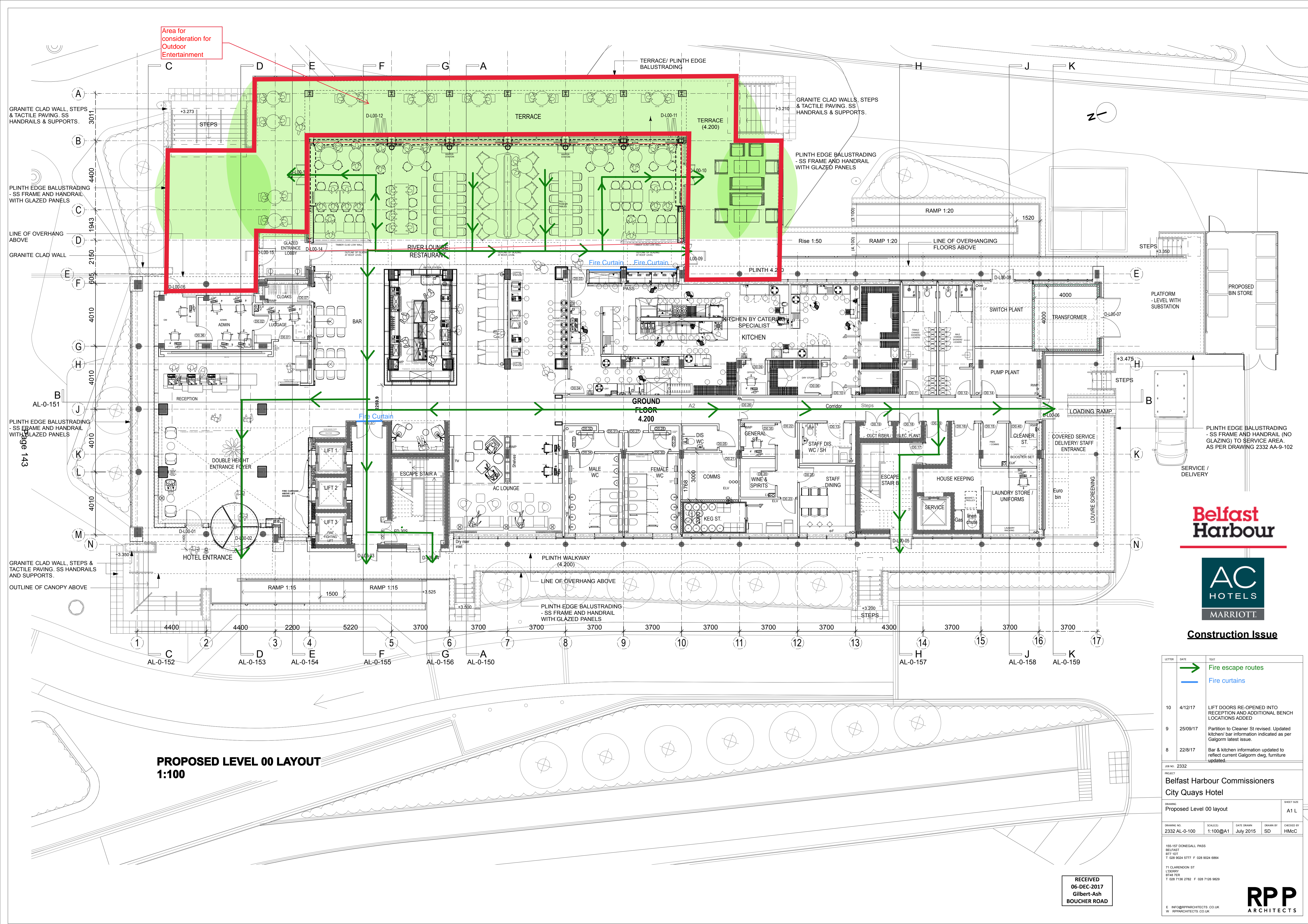
AC Marriott Hotel  
90 Donegall Quay

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Area for consideration for Outdoor Entertainment





PROPOSED LEVEL 00 LAYOUT  
1:100

Belfast  
Harbour



Construction Issue

LETTER	DATE	TEXT
		 Fire escape routes
		 Fire curtains
10	4/12/17	LIFT DOORS RE-OPENED INTO RECEPTION AND ADDITIONAL BENCH LOCATIONS ADDED
9	25/09/17	Partition to Cleaner St revised. Updated kitchen bar information indicated as per Galgorm latest issue.
8	22/8/17	Bar & kitchen information updated to reflect current Galgorm dwg, furniture updated.
JOB NO. 2332		
PROJECT Belfast Harbour Commissioners City Quays Hotel		
DRAWING Proposed Level 00 layout		SHEET SIZE A1 L
DRAWING NO. 2332 AL-0-100	SCALE(S) 1:100@A1	DATE DRAWN July 2015
DRAWN BY SD	CHECKED BY HMcc	
155-157 DONEGALL PASS BELFAST BT1 1DT T 028 9024 5777 F 028 9024 6864		
71 CLARENDON ST LERRY BT40 7JH T 028 7136 2782 F 028 7136 9820		
E info@rpparchitects.co.uk W rpparchitects.co.uk		

RECEIVED  
06-DEC-2017  
Gilbert-Ash  
BOUCHER ROAD

RPP  
ARCHITECTS



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

8<sup>th</sup> November 2022

Dear Sir

RE:- AC Marriott Hotel, City Quays, 90 Donegall Quay, Belfast

Please note that at this time that are no current PSNI or Harbour Police objections to the above application being further considered by Belfast City council, residents, other local business and NIFRS.

If the Licence is granted in due course please forward police a copy with any special conditions or restrictions with confirmation that all Belfast City Council requirements and conditions including all Building Regulations approvals have been adhered to and that any current, relevant COVID – 19 guidance will be considered by the licence holder.

Kind Regards

A handwritten signature in black ink, appearing to read 'D. Tolan', with a long horizontal flourish extending to the right.

Donna Tolan  
Licensing Officer, Musgrave Station, Belfast

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**Belfast**  
City Council

<b>Subject:</b>	<b>Application to provide outdoor musical entertainment beyond 11.00 pm at Falls Park</b>
<b>Date:</b>	21 June, 2023
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Darren McCamphill, Lead Building Control Surveyor, ext. 2444

<b>Restricted Reports</b>	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
<b>1.1</b>	To consider a request from the organisers of Féile an Phobail to hold a festival event within Falls Park, running from Saturday 5 August to Sunday 13 August 2022, and to permit the entertainment planned to run beyond 11.00 pm on up to 6 occasions.
<b>2.0</b>	<b>Recommendations</b>
<b>2.1</b>	<p>Taking into account the information presented and any representations received you are required to consider the request to extend the hours of entertainment and, subject to all technical requirements being met, either:</p> <ol style="list-style-type: none"> <li>1. Agree if any or all 6 of the events should be permitted to take place beyond the standard hours of licence to 1.00 am; or</li> <li>2. Refuse to extend any or all of the hours as requested.</li> </ol>

<b>3.0</b>	<b>Main report</b>
	<b><u>Key Issues</u></b>
<b>3.1</b>	Members are advised that a 7-Day Annual Outdoor Entertainments Licence and a 7-Day Annual Indoor Licence for a Marquee has been granted for Falls Park and both have been used to hold events in the past, primarily for this event. The Licences are held by the City and Neighbourhood Services Department and are transferred to the organisers for the duration of their event.
<b>3.2</b>	The days and hours during which entertainment may be provided both outdoors and, in a marquee, are Monday to Sunday from 11.30 am to 11.00 pm.
<b>3.3</b>	<p>In addition, the following Special Conditions are attached to both the Marquee and Outdoor Entertainments Licences:</p> <ul style="list-style-type: none"> <li>• Maximum numbers will be agreed at the discretion of the Building Control Service and will vary depending upon individual concert set up proposals.</li> <li>• Prior to any event taking place the promoters are required to demonstrate evidence of early consultation and have in place a robust system of dealing with any complaints, which has been agreed in advance with the Council.</li> <li>• Any requests to provide entertainment later than 11.00 pm must be considered by the Licensing Committee and therefore must be made at least 3 months in advance of the proposed event.</li> <li>• Should an application to provide entertainment beyond 11.00 pm be granted and the Council then receive a significant number of complaints regarding noise or the complaint is of such significant impact, authority is granted to the Director of Planning and Building Control, in consultation with the City Solicitor, to reduce the finishing time for any subsequent nights of the event, in which case the promoter will be required to make contingency arrangements.</li> </ul>
<b>3.4</b>	The programme of events at the festival continues to be developed. At this time, the organisers have indicated that events are scheduled for 5 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> , 11 <sup>th</sup> and 13 <sup>th</sup> August. Additionally, while final confirmation of an act is pending, the organisers have indicated that their request to operate beyond 11.00pm include Saturday 12 <sup>th</sup> August.
<b>3.5</b>	The Strategic Policy and Resources Committee, at their meeting on 21st April 2023, considered applications associated with the Summer Community diversionary festivals programme. The report was inclusive of Féile an Phobail and approval for funding was granted.
<b>3.6</b>	It is a Standard Condition of the Outdoor Entertainments Licence that all requests to operate beyond the permitted hours of entertainment must be considered by the Licensing Committee.
<b>3.7</b>	As this is not an application to vary the terms of the Outdoor licence, but a request for Council's permission to extend the hours under an existing Licence Condition, there is no requirement for public advertisement in this case.
<b>3.8</b>	Members are reminded that in 2022 you agreed to grant the organisers permission to operate on all 4 nights of the event beyond the standard hours of 11.00 pm to 1.00 am.
<b>3.9</b>	Members will be aware that in previous years the Committee has granted extensions beyond the standard hours of 11.00 pm for other events and festivals in the City.

	<p><b><u>Rationale for additional hours</u></b></p> <p><b>3.10</b> The event has been running for over 30 years as a community festival. The event has grown over the years from being held for 2-3 days to a full 10-to-11-day festival offering a mix of arts and cultural events including music concerts, comedy, tours and walks, debates and discussions, exhibitions / visual arts, theatre, youth and community and sporting events. This year's festival will run from Thursday 3<sup>rd</sup> August to Sunday 13<sup>th</sup> August.</p> <p><b>3.11</b> In former years the event organisers consolidated the entertainment events at Falls Park to 3 or 4 nights. This decision was motivated by a desire to limit disruption to the community in close proximity to Falls Park.</p> <p><b>3.12</b> Previously, operating beyond the permitted hours to 1.00am was part of the organisers strategy to mitigate against antisocial behaviour in the greater Belfast area.</p> <p><b>3.13</b> A representative of the event organiser has been invited to attend your meeting.</p> <p><b>3.14</b> A Location Map is attached as Appendix 1.</p> <p><b><u>PSNI</u></b></p> <p><b>3.15</b> The PSNI have been contacted by the Service in relation to the event. At the time of writing of this report the Service have not received a response to this request, we will update Committee at your meeting.</p> <p><b>3.16</b> Should Members be minded to recommend approval of the extended hours sought this should be subject to a satisfactory response from the PSNI on the matter.</p> <p><b><u>Health, safety and welfare issues</u></b></p> <p><b>3.17</b> Officers have engaged with the organisers and Officers of the Parks Service in relation to the festival. Officers will participate in the multi-agency meeting held in advance of the event with the event organisers.</p> <p><b>3.18</b> The event organisers have confirmed the Event Management Plan in support of the event has been developed. Once this document has been received it will be evaluated by the Service and shared with officers of other council Services.</p> <p><b>3.19</b> Officers from the Service have carried out during performance inspections at previous events organised by Féile an Phobail and found that the organisers have adhered to the health, safety and welfare management requirements during that time.</p> <p><b><u>Noise issues</u></b></p> <p><b>3.20</b> The event organiser has engaged with an independent acoustic consultant to develop a noise mitigation strategy. Once received by the Service this strategy will be provided to Environmental Protection Unit (EPU) for appraisal.</p> <p><b>3.21</b> A significant consideration for EPU will be the proposal to provide outdoor entertainment after 11.00pm. Members are reminded that the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 gives councils additional powers in relation to entertainment noise after 11.00 pm.</p>
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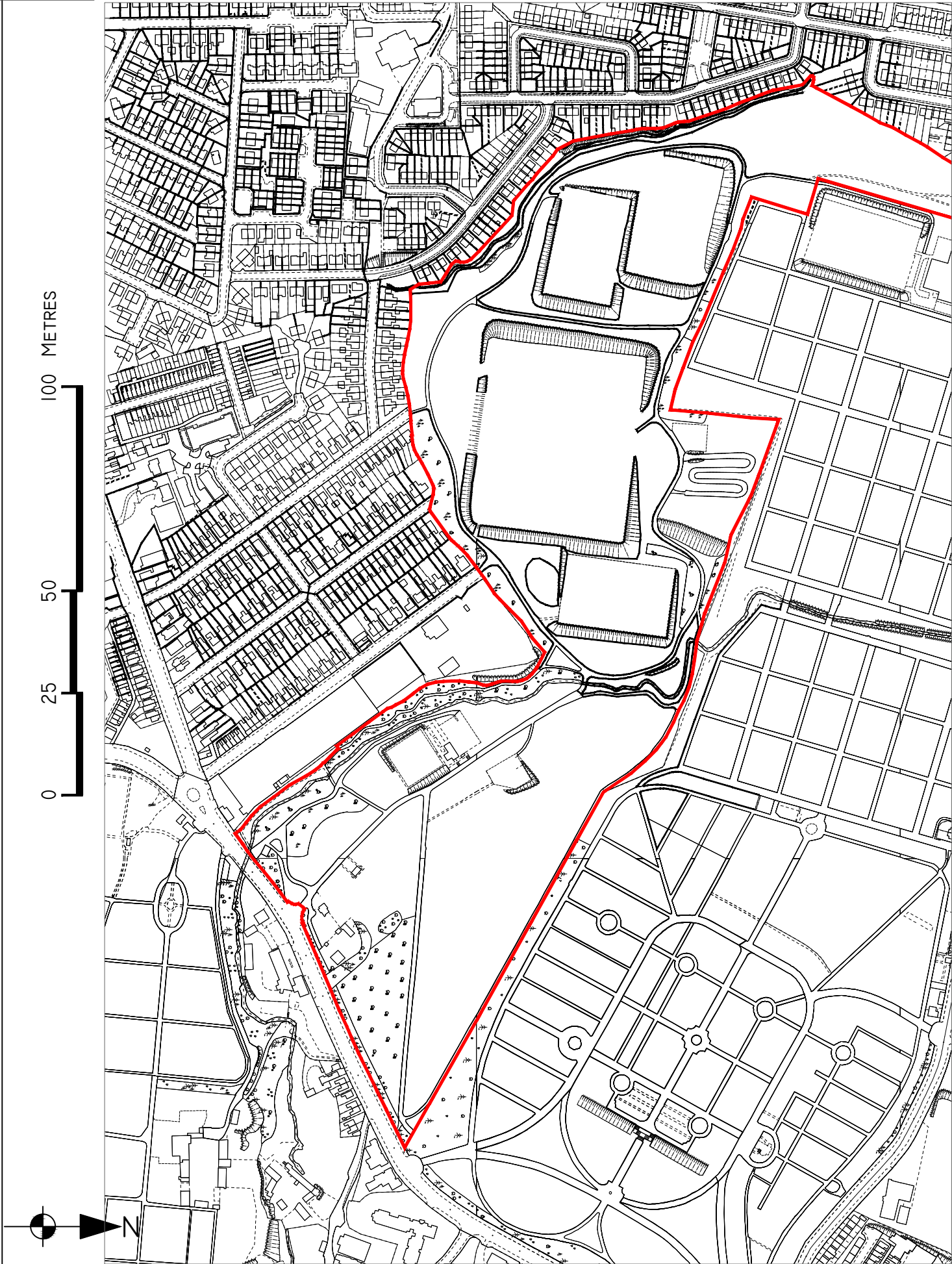
<b>3.22</b>	The EPU received a total of 58 noise complaints regarding the festival in 2022. A total of 36 noise complaints were solely attributed to the diversionary event on Monday 8 <sup>th</sup> August 2022. Complaints related to the volume of music and the finishing time of the dance event on this evening.
<b>3.23</b>	Complaints received were brought to the attention of the event organisers and following conclusion of the festival a detailed summary of all noise complaints provided for their consideration. No formal action was undertaken by EPU in respect of the noise complaints received.
<b>3.24</b>	For this year's festival, there is the potential for 4 consecutive nights of music proposed to run to beyond 11.00pm. The cumulative impact of disturbance from musical entertainment and congregation of large numbers of patrons attending the park has the potential to give rise to community annoyance.
<b>3.25</b>	The organisers have identified that they anticipate entertainment will go to 1.00am on one occasion only, the diversionary event on 8 <sup>th</sup> August 2023. On previous years remaining nights of entertainment have finished prior to 1.00am.
<b>3.26</b>	The event organisers will again be required to engage with an acoustic consultant and requested to document a noise mitigation strategy for each night of entertainment. The purpose of the strategy will be to demonstrate that noise from the event will not cause unreasonable disturbance to commercial and residential premises. The event organisers will be reminded of the standard licence condition that receipt of significant complaints may lead to further late nights being curtailed.
<b>3.27</b>	The organisers will also be required to produce a suitable residents pre-notification letter containing a nominated event organiser contact that that residents may refer concerns or make complaints to. The extent of the letter's distribution, which will take place prior to the event will be agreed with the event organiser by the Service in consultation with EPU officers.
	<b><u>Financial and Resource Implications</u></b>
<b>3.28</b>	Officers will carry out inspections at the events which will be catered for within existing Service budgets.
	<b><u>Equality and Good Relations Implications/Rural Needs Assessment</u></b>
<b>3.29</b>	There are no issues associated with this report.
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Location Map</li> <li>• Appendix 2 – Rationale for requesting the extended hours</li> </ul>





# 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.  
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31<sup>st</sup> May 2023

Dear members,

Féile an Phobail is Irelands biggest community arts festival and summer school, holding 3 festivals a year as well as a range of year-round community engagement and youth arts events. Our August Féile is our flagship international festival, attracting upwards of 80,000 to Belfast each year, and includes:

- approximately 300 events in 30+ venues citywide, including iconic venues such as Clonard Monastery An Chulturlann, Shankill Road, East Belfast, Duncairn Arts Centre, Linen Hall Library, PRONI, Ulster Museum, Belfast City Hall, St Marys University College, Conway Mill, Milltown and City Cemeteries and the Falls Park.
- 18 music concerts, including 4-5 12,000 capacity concerts in the Falls Park
- Féile Dance night (2022) resulted in the first year since 1971 of NO Bonfires across the entire City– a significant achievement
- 3 International comedy concerts,
- 40+ exhibitions from artists worldwide,
- 70+ discussions and debates events as part of ‘Irelands biggest Summer School’,
- 24 youth events,
- 12 literary events,
- 9 drama / theatre productions,
- over 100 family, outdoor and community events, street performances,
- an internationally themed carnival parade,
- international food fayre,
- an event celebrating Pride week,
- 20+ sporting events, and,
- 10 various tours and walks
- Approximately £4m contributed to local business as a result of August Féile events!

Féile an Phobail, literally means Festival of the People, and really is a festival for all the people of the City and beyond, with a community ethos at the heart of our events. The event has grown over the years from being held for 2-3 days to a full 10-11 day internationally acclaimed festival offering an eclectic mix of arts and cultural events, ranging from headline music concerts, comedy, tours and walks, debates and discussions, exhibitions / visual arts, theatre, youth and community and sporting events.

This year’s festival will run from Thursday 3<sup>rd</sup> to Sunday 13<sup>th</sup> August.

In previous years, we had requested a license for, and operated between 8 and 11 headline music concerts in the Falls Park. Following significant consultation with the local community, and with our main stakeholders, and having successfully operated on the new event space in 2018, we are maintaining this year’s headline events to 4 - 5.

This year we would request that the Committee consider permitting us to operate this year's headline music events in the Falls Park from Thursday 3<sup>rd</sup> August to Sunday 13<sup>th</sup>, with events taking place on the 5<sup>th</sup>, 8<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup> & 13<sup>th</sup> with the potential for an additional concert on Saturday 12<sup>th</sup> August (TBC).

We would request that entertainment license be granted to 1am. It is envisaged that only one of these nights, Wednesday 8<sup>th</sup> August will go to 1am, due to the diversionary nature of the event, which receives the support of the wider community and statutory agencies, including the PSNI and is funded by Belfast City Council. Féile has also agreed to limit / mitigate against any sound issues on this evening by introducing the main acts on stage at an earlier time, an initiative that has been well received in previous years.

This will allow us to develop our plans around some of the diversionary activities we are proposing to do to help with the ongoing antisocial behavior issues that exist within the Falls Park and surrounding areas.

This year Féile will also act as a lead partner for diversionary events on the 8<sup>th</sup> August (and the lead up the 8<sup>th</sup>) right across the City, with events taking place and partnering with Féile in Ardoyne, New Lodge, the Market, Short Strand and the Ormeau Road, a significant cross City project aimed at reducing intra and inter community tension, not to mention the anti-social behavior on this date often associated with 'unwanted' bonfires.

Féile has committed alongside local political and community reps to conduct a number of community consultations around this year's events in the park, specifically engaging with local residents and addressing any issues / concerns. Indeed, we have already engaged in meetings with BCC Officers, the PSNI and local residents. We will continue to work alongside the park team and building control in this respect in the lead up to and throughout the festival.

We are currently finalising the acts for this year but have already lined up a range of headline artists that will appeal to all age groups. We would hope to have the running order completed in the next couple of weeks and will forward this to Building Control when completed.

As well as holding two operational meetings already with all stakeholders, we've provided a draft copy of our proposed Event Management Plan and Site Plan but wish to highlight that these are subject to change but can assure the Committee that we will continue to work with Building Control and provide them with regular updates as work progresses in this regard.

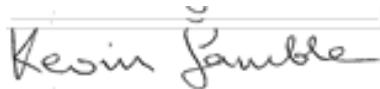
As in recent year's we have been in regular contact with the PSNI regarding the event to agree the policing, traffic and transport measures, including parking. The PSNI have always been very helpful and are happy with the plans we have discussed with them. The PSNI are also involved with the diversionary activities we are implementing for the event and the underage activities to resolve the issues of anti-social behavior, etc. currently being experienced in the area.

We've also been held discussion with the Council's Parks Unit regarding the event and the relevant access and egress arrangements along with the timeframe available in order to gain access to start the site build.

If you require any additional information in relation to this year's events, please do not hesitate to contact me.

Yours Sincerely

Kevin Gamble Director  
Féile an Phobail

A handwritten signature in black ink that reads "Kevin Gamble". The signature is written in a cursive style and is positioned below the printed name and title.

Address: St Comgalls, Divis Street, BT12 4AQ. Tel: 02895609984. Email:  
info@feilebelfast.com. Web [www.feilebelfast.com](http://www.feilebelfast.com)

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**Belfast**  
City Council

## LICENSING COMMITTEE

<b>Subject:</b>	<b>Objections received outside the 28-day statutory period to an application for the Grant of a 7-Day Annual Outdoor Entertainments Licence</b>
<b>Date:</b>	21 June 2023
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, Ext. 2435
<b>Contact Officer:</b>	Quintin Thompson, Senior Building Control Surveyor, Ext 2570

<b>Restricted Reports</b>	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

1.0	Purpose of Report or Summary of main Issues						
1.1	<p>To consider whether to accept a late objection to an application for the grant of a 7-Day Annual Outdoor Entertainments Licence for Topsy Bird.</p> <table><tr><td><b>Area and Location</b></td><td><b>Ref. No.</b></td><td><b>Applicant</b></td></tr><tr><td>Topsy Bird (Brewers Yard) 96 – 100 Ann Street Belfast, BT1 3HH</td><td>WK/2022/00374</td><td>Mr Bobby Robertson, Glendola Leisure (Holdings) Limited. 364 High Street, Harlington UB3 5LF</td></tr></table>	<b>Area and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	Topsy Bird (Brewers Yard) 96 – 100 Ann Street Belfast, BT1 3HH	WK/2022/00374	Mr Bobby Robertson, Glendola Leisure (Holdings) Limited. 364 High Street, Harlington UB3 5LF
<b>Area and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
Topsy Bird (Brewers Yard) 96 – 100 Ann Street Belfast, BT1 3HH	WK/2022/00374	Mr Bobby Robertson, Glendola Leisure (Holdings) Limited. 364 High Street, Harlington UB3 5LF					

1.2	The application was received on 28th April 2022. Subsequently, an objection was received outside the 28-day statutory period on 27th July 2022.
<b>2.0</b>	<b>Recommendations</b>
2.1	As the objection against the application was received outside the 28-day statutory period you are required to determine if you wish to exercise your discretion to consider it and, if so, give the objector and the applicant an opportunity of appearing before the Committee at a subsequent meeting.
<b>3.0</b>	<b>Main report</b>
3.1	The objection to the application stated that the applicant has failed to adhere to the conditions set out in a Settlement Agreement and Planning Approval which was agreed between the objector and Glendola Leisure when they applied for Planning Permission for the beer garden. The letter of objection, with personal data redacted, is provided in Appendix 1.
3.2	The Planning Approval for the beer garden is provided in Appendix 2.
3.3	No objections were received within the statutory time period.
3.4	Members are reminded that, at your meeting on 18 January 2017, you considered a report regarding representations received outside the 28-day statutory period and agreed to adopt the following criteria when considering late objections: <ol style="list-style-type: none"> <li>1. Has a reasonable explanation been provided, in writing, by the objector as to why their representation was not made within the 28-day period;</li> <li>2. Does the representation provide substantially different additional information to that already contained within representations that have been received within the 28-day period;</li> <li>3. How far outside the 28-day period were the representations received;</li> <li>4. The proximity of the objectors to the premises;</li> <li>5. The number of other representations received outside the 28-day period;</li> <li>6. Whether there are any other material considerations which would warrant consideration of the objection.</li> </ol>
3.5	The objector advised that they had not been made aware of the application for an Outdoor Entertainments licence by Glendola Leisure and were therefore unaware of the application until it was mentioned in a conversation with the applicant's solicitor. The objector noted that the Settlement Agreement states the following:-
3.6	Prior to submitting any entertainment licence application, to agree with the Objector acceptable sound levels in line with the recommendations contained with the Noise Impact Review (both parties acting reasonably in the context of the terms of this Agreement).
3.7	The objector also advised that it is extremely important that their objection is considered for the effective running of their Bus Control Room. The Control Room is metres away from the beer garden and is operational between the hours of 04.15 and 00.45. It is the main point of contact between their operational regulating staff and their drivers for the entire bus network. In the event of an incident, it is their communications centre with the emergency services and therefore is of critical importance.
3.8	The letter from the objector advising the reasons for the objection being received outside the 28-day statutory period is attached as Appendix 3.



3.9	Following the objection, both parties agreed to communicate to try and resolve the issues. However to date a resolution has not been agreed.
4.0	<b>Financial &amp; Resource Implications</b>  None
5.0	<b>Equality or Good Relations Implications/Rural Needs Assessment</b>  None
6.0	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Redacted letter of objection received outside the 28 day statutory period.</li> <li>• Appendix 2 – Planning Approval for the Topsy Bird Beer Garden</li> <li>• Appendix 3 – Objector's letter confirming the reason for the objection being received outside the 28-day statutory period.</li> </ul>

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Mr Ryan Nolan,  
Planning Department,  
Belfast City Council,  
9 Adelaide,  
9-21 Adelaide Street,  
Belfast,  
BT2 8DJ

Milewater Service Centre  
25 Duncrue Street  
BELFAST  
BT3 9AR

Date: 27<sup>th</sup> July 2022

**Proposal:** Application for Entertainment Licence: Topsy Bird Public House - Beer Garden  
**Location:** Lands at nos 6-7 Donegall Quay 96-108 Ann street and 40 Princes Street  
bounded to the north by Donegall Quay Car Park Belfast BT1 3FG  
**Agent/Applicant:** Glendola Leisure (Holdings) Ltd

Dear Sir,

We refer to the above and previous discussions and correspondence herein.

The applicant Glendola Leisure (Holdings) Ltd has submitted a planning application to acquire an Entertainment Licence for the above property. The applicant has failed to adhere to the conditions set out in the enclosed Settlement Agreement and Planning Approval Notice. The Agreement explicitly states under Schedule 1;

*1.4 Prior to submitting any entertainment licence application, to agree with the Objector acceptable sound levels in line with the recommendations contained with the Noise Impact Review (both parties acting reasonably in the context of the terms of this Agreement).*

Taking the aforementioned into consideration, Translink object to the application. Translink are prepared to remove the objection provided the applicant satisfies the above condition.

We trust the enclosed assists and should you have any queries please do not hesitate to contact me on [REDACTED]

Yours sincerely

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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## **APPROVAL OF PLANNING PERMISSION**

### **Planning Act (Northern Ireland) 2011**



Application No: **LA04/2020/1623/F**

Date of Application: **23rd August 2020**

Site of Proposed  
Development:

**Lands at nos 6-7 Donegall Quay  
96-108 Ann street and 40 Princes Street  
bounded to the north by Donegall Quay Car Park  
Belfast  
BT1 3FG**

Description of Proposal:

**Proposed change of use from rear service yard to beer  
garden associated with the Topsy Bird Public House,  
including outside bar area and all associated works  
(amended plans including new wall)**

Applicant: Glendola Leisure (Holdings) Ltd  
Address: 364 High Street Harlington  
Heathrow  
Hayes  
UB3 5LF

Agent: TSA Planning  
Address: 20 May Street  
Belfast  
BT14NL

Drawing Ref: Architects Drawing No. 00-01 uploaded on the Planning Portal on the 24-8-20 (Site location plan) (Portal no. 01)  
Architects Drawing No. 01-03 uploaded on the Planning Portal on the 24-8-20 (Proposed canopies, bar plans, elevations and sections) (Portal no. 04)  
Architects Drawing No. 01-01 Rev B uploaded on the Planning Portal on the 14-12-20 (Proposed ground floor plan) (Portal no. 02B)  
Architects Drawing No. 01-07 Rev C uploaded on the Planning Portal on the 17-5-21 (Proposed bar details) (Portal no. 07C)

The Council in pursuance of its powers under the above-mentioned Act hereby

### **GRANTS PLANNING PERMISSION**

for the above-mentioned development in accordance with your application subject to compliance with the following conditions which are imposed for the reasons stated:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.





Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. No more than 120 patrons shall be permitted within the hereby permitted beer garden at any one time as outlined in the summary of the updated FR Mark Noise Impact Assessment dated May 2021.

Reason: Protection against adverse noise impact.

3. The height of the boundary wall between the hereby permitted beer garden and the neighbouring Translink Control Room shall be constructed in accordance with the RMI Architects drawing titled: 'Proposed Bar Details', Rev C (07C uploaded to portal on 17.05.21) and to a minimum surface density of 25 kg/m<sup>2</sup> (as recommended in the FR Mark May 2021 Noise Impact Assessment)

Reason: Protection against adverse noise impact.

4. No entertainment music or other amplified music shall be permitted in the beer garden until the applicant submits to the planning authority, for review and approval in writing, an updated noise impact assessment which demonstrates that a maximum music noise limit has been robustly assessed and determined in agreement with Translink.

Reason: Protection against adverse noise impact.

5. To minimise the potential cumulative noise impact, associated with patron noise, the already approved existing first floor rear beer terrace shall incorporate and retain in place an 'acoustic barrier' to a minimum height of 1.8m as referred to in the FR Mark Noise Impact Assessment, dated May 2021 (page 1) such that patrons using it are fully screened from the neighbouring control room.

Reason: Reason: Protection against adverse noise impact.

6. No noise generating plant and equipment such as a generator shall be in use in the hereby permitted smoking area unless approved prior to use and supported by a noise impact assessment.

Reason: Reason: Protection against adverse noise impact.

Informatives: -

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. The applicant's attention is drawn to the consultation responses received by the Council in respect of this application. The responses can be viewed at <https://www.planningni.gov.uk/index/tools/public-access-info.htm>.



4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority



**Authorised Officer**

**Dated: 20<sup>th</sup> May 2021**

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Mr Stephen Hewitt,  
Building Control,  
Belfast City Council  
Place and Economy Department  
Cecil Ward Building,  
4-10 Linenhall Street,  
Belfast

Milewater Service Centre  
25 Duncrue Street  
BELFAST  
BT3 9AR

022

**Proposal:** Application for Outdoor Entertainment Licence: Topsy Bird Public House  
Lands at nos 6-7 Donegall Quay 96-108 Ann street and 40 Princes Street  
Car Park Belfast BT1 3FG

**Agent/Applicant:** Glendola Leisure (Holdings) Ltd

Dear Sir,

We refer to the above and your letter dated 29<sup>th</sup> ult. herein.

Translink did not receive a notification of the application from Glendola Leisure (Holdings) Ltd and were therefore not in a position to place an objection. The matter was raised during a conversation with the applicant's solicitor. As noted in our letter dated 27<sup>th</sup> ult., the applicant has failed to adhere to the conditions set out in the enclosed Settlement Agreement and Planning Approval Notice. The Agreement explicitly states under Schedule 1;

*1.4 Prior to submitting any entertainment licence application, to agree with the Objector acceptable sound levels in line with the recommendations contained with the Noise Impact Review (both parties acting reasonably in the context of the terms of this Agreement).*

It is extremely important our objection is considered for the effective running of our Bus Control Room. The Control Room is metres away from the beer garden and is operational between the hours of 04.15 and 00.45. It is the main point of contact between our operational regulating staff and our drivers for the entire bus network. In the event of an incident, it is our communications centre with the emergency services and therefore is of critical importance.

We have opened discussions with the applicant and reiterate our desire to remove the objection provided the applicant satisfies condition 1.4. We will continue to liaise with the applicant and our Noise consultant in the coming weeks.

We would be grateful if you would forward details on how and when Translink were notified of the application and how we can ensure the same issue does not arise in the future.

We trust the enclosed assists and should you have any queries please do not hesitate to contact me on [REDACTED]

Yours sincerely [REDACTED]



[REDACTED]  
[REDACTED]  
[REDACTED]



**Belfast**  
City Council

## LICENSING COMMITTEE

<b>Subject:</b>	<b>Consideration of objections to an application for the Renewal of an Entertainments Licence for Shaftesbury Bowling and Recreation Centre</b>
<b>Date:</b>	21 June 2023
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Fiona Millen, Building Control Surveyor, ext. 2572

<b>Restricted Reports</b>	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

1.0	Purpose of Report or Summary of Main Issues		
1.1	To consider an application for the Renewal of a 6-Day Annual Indoor Entertainments Licence for the Shaftesbury Bowling and Recreation Centre based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind.		
1.2	<b>Premises and Location</b> Shaftesbury Bowling and Recreation Centre, 20A Annadale Avenue, Belfast, BT7 3JJ	<b>Ref. No.</b> WK/202201640	<b>Applicant</b> Mr Fred Simpson, 79 Cedar Grove, Holywood, BT18 9QB.
1.3	A location map of the premises is attached as Appendix 1.		

<b>1.4</b>	The application for renewal of the licence was received on 22 December 2022. In advance of the application being received, representations to the renewal of the licence were received from 2 objectors.
<b>1.5</b>	Further communication was then received from the objectors within the 28-day period confirming they still wished to object to the application.
<b>2.0</b>	<b>Recommendations</b>
<b>2.1</b>	Considering the information presented and representations received in respect of the application you are required to make a decision to either: <ol style="list-style-type: none"> <li>1. Approve the application for the Renewal of the 6-Day Annual Entertainments Licence, or</li> <li>2. Approve the application for the Renewal of the 6-Day Annual Entertainments Licence with special conditions, or</li> <li>3. Refuse the application for the Renewal of the 6-Day Annual Entertainments Licence.</li> </ol>
<b>2.2</b>	If the 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.
<b>2.3</b>	If the application is refused and an appeal is lodged entertainment may not be provided during the appeal period.
<b>3.0</b>	<b>Main report</b>
	<b><u>Key Issues</u></b>
<b>3.1</b>	Two objections have been received from residents living near the Club. The nature of their objections relates to the following: <ul style="list-style-type: none"> <li>• Ongoing loud music every Tuesday evening.</li> </ul>
<b>3.2</b>	Copies of these objections are attached as Appendix 2.
	<b><u>Liaison meetings</u></b>
<b>3.3</b>	Following receipt of the objections the Service facilitated a liaison meeting between all parties involved to discuss residents' issues and attempt to resolve them.
<b>3.4</b>	Both objectors, Members of the Club Committee and an Officer from the Service met at the Club to discuss resident's concerns on 11 November 2022.
<b>3.5</b>	Following discussions, the Club Committee advised they implemented arrangements in relation to noise as requested by residents. However, the residents advise they still wish to pursue their objections.
<b>3.6</b>	As required by the Committee Protocol the applicant and each of the objectors were requested to provide their representation in advance of the meeting for consideration.

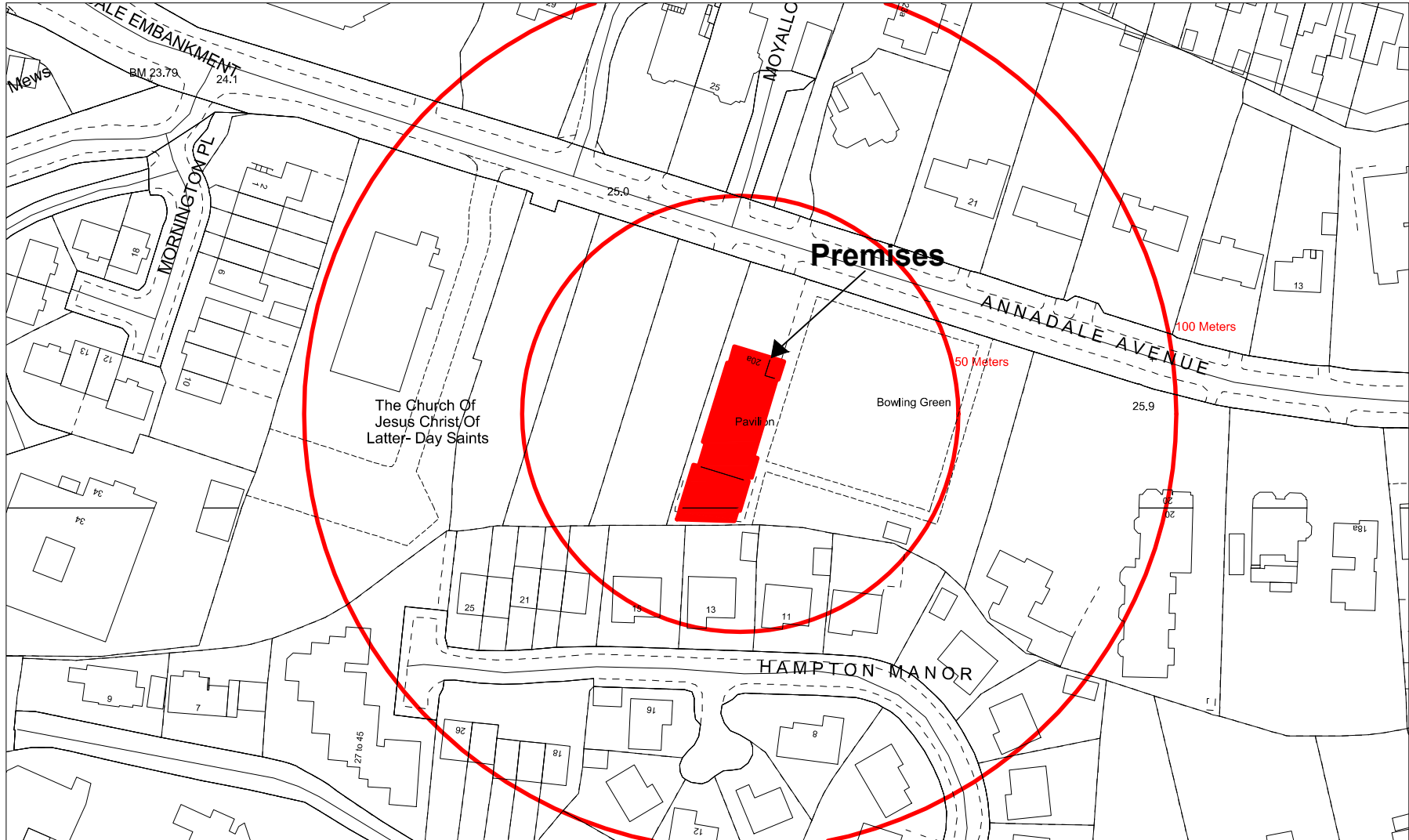
	<p><b><u>Objectors Representation</u></b></p> <p>3.7 The objectors Representation Forms are attached as Appendix 3 and they have been provided to the applicant, as required by the protocol. In general, the representations relate to concerns as follows:</p> <ul style="list-style-type: none"> <li>• Ongoing loud music every Tuesday evening.</li> </ul> <p>3.8 The residents have been invited to attend your meeting to discuss any matters relating to their objections should they arise.</p> <p><b><u>Applicants Representation</u></b></p> <p>3.9 The applicant has provided their Representation Form, as required by the Protocol, and a copy of his response is attached as Appendix 4. The applicant has highlighted the measures which have been undertaken to try and address residents' concerns.</p> <p>3.10 The applicants Representation Form has also been provided to the objectors, as required by the protocol.</p> <p>3.11 A summary of the applicant's representation is as follows:</p> <ul style="list-style-type: none"> <li>• The Club advised they would monitor noise levels &amp; ask those who use the hall to turn down bass where appropriate.</li> <li>• They will continue to monitor noise &amp; are happy to meet again.</li> <li>• Purchased and placed mats below speakers to lessen the vibrations.</li> <li>• Sealed any unnecessary openings around the club premises.</li> <li>• Provided complainants with a mobile number they could call if noise was unacceptable.</li> <li>• Ensured that any of the organisations using the hall in the evening kept the hall's double doors closed when music was being played.</li> <li>• Offered to have a sound engineer go to the complainants' premises to assess the level of noise &amp; produce a report</li> </ul> <p><b><u>Counter representations</u></b></p> <p>3.12 In response to the Representation Form submitted by the applicant, the objector has advised the music is persistently loud on Tuesday evenings which affects their family's health, well-being and overall quality of life and believe the Club are not taking their concerns seriously.</p> <p>3.13 A copy of this email is included as Appendix 5.</p> <p>3.14 Further to providing the applicant with a copy of the objectors' Representation Forms the applicant has advised they do not have anything additional to add to their earlier submission.</p> <p>3.15 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>Details of the Premises</u></b></p> <p>3.16 The area the applicant wishes to be licensed to provide entertainment is the:</p> <ul style="list-style-type: none"> <li>• Main Hall which will have a maximum capacity of 200 persons</li> </ul>
--	--

3.17	<p>The days and hours during which the applicant wishes to provide entertainment are:</p> <ul style="list-style-type: none"> <li>Monday to Saturday: 11.30 am to 11.00 pm</li> </ul> <p><b><u>PSNI</u></b></p>
3.18	<p>The PSNI have been consulted in relation to the application and confirmed that they have no objection to it.</p> <p><b><u>NIFRS</u></b></p>
3.19	<p>The Northern Ireland Fire Rescue Service has also been consulted in relation to the application and have advised they have no objection to it.</p> <p><b><u>Health, safety and enforcement inspections</u></b></p>
3.20	<p>The premises have been inspected and all works to ensure patron safety in the premises have been completed to the satisfaction of the Service.</p>
3.21	<p>The Service became aware of residents' concerns with the premises in March 2022 when complaints were made through the Council's Noise Hotline Service of loud music from the Club.</p> <p><b><u>Noise Complaints for year 2022</u></b></p>
3.22	<p>Eleven noise complaints were received by the Night Time Noise Team (NTNT) between March 2022 and October 2022.</p>
3.23	<p>On four occasions, Officers of the Noise Team witnessed excessive noise levels that warranted action in the form of a verbal warning.</p>
3.24	<p>On 11<sup>th</sup> March 2022 Night Time Noise Team (NTNT) witnessed audible music with a bass element emanating from the bowling club. They advised the level of noise would likely cause sleep disturbance to nearby properties and asked for music to be turned down and any open doors or windows to be closed.</p>
3.25	<p>On 23<sup>rd</sup> April 2022 Night Time Noise Team (NTNT) issued a verbal warning after witnessing loud bass beat music that could be heard over a wide area and would cause a general disturbance to nearby properties.</p>
3.26	<p>On 10<sup>th</sup> June 2022 and on 30<sup>th</sup> August 2022 NTNT issued verbal warnings as noise levels were again too loud.</p>
3.27	<p>The applicant has been informed on all occasions when the Service have been notified of a noise complaint. The applicant has also been advised that in situations of ongoing noise disturbance that it may be necessary to engage with an Acoustic Consultant who can advise on appropriate mitigations to limit noise breakout.</p> <p><b><u>Noise Complaints for year 2023</u></b></p>
3.28	<p>The objector has identified that ongoing noise disturbance from the venue continues to be experienced. Particular reference had been made to dance classes held in the venue on Tuesday evenings. Building Control have reminded the objectors of the need to contact NTNT when disturbed by noise. No noise complaints have been received by Building Control from NTNT in 2023.</p>

<b>3.29</b>	Members are reminded that the Clean Neighbourhood and Environment Act 2011 gives council's additional powers in relation to the control of entertainment noise after 11.00 pm.  <b><u>Financial and Resource Implications</u></b>
<b>3.30</b>	Officers carry out monitoring inspections on premises receiving complaints, but this is catered for within existing budgets.  <b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b>
<b>3.31</b>	There are no issues associated with this report.
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Location Map</li> <li>• Appendix 2 – Letters of objection</li> <li>• Appendix 3 – Objectors Representation Forms</li> <li>• Appendix 4 – Applicant's Representation Form</li> <li>• Appendix 5 – Objectors counter representation</li> <li>• Appendix 6 – PSNI Comments</li> </ul>

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DRAWN BY <b>M Treacy</b>	<b>Shaftesbury Bowling &amp; Recreation Club</b> <b>20 Annadale Avenue</b>	SCALE <b>1:1250 @ A4</b>
DATE <b>26/05/2023</b>		

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

4<sup>th</sup> May 2023

Ballynafeigh Apprentice Boys , Flute Band, 1-5 Walmer Street, Belfast, BT7 3ED.
Balmoral Bowling Club, 108c Belvoir Drive, Belfast, BT8 7DT.
Belmont Bowling Club, 6A Kincora Avenue, Belfast, BT4 3DW.
Conway Mill, 5-7 Conway Street, Belfast, BT13 2DE.
Cresta Golf and Social Club, 156-158 Castlereagh Road, Belfast, BT5 5FS.
Crumlin Road Gaol, 53-55 Crumlin Road, Belfast, BT14 6ST.
Dunmurry Recreation Football Club, 23 Ashley Park, Dunmurry, BT17 9EH.
Gort Na Mona GAC, Upper Springfield Road, Belfast, BT12 7QX.
Harland & Wolff Football & Social Cl, 18-20 Dee Street, Belfast, BT4 1FT.
Hillfoot Glentoran Supporters Club, 126-130 Castlereagh Road, Belfast, BT5 5FS.
Love and Death Inc, 10a Ann Street, Belfast, BT1 4EF.
Muriel's, 12-14 Church Lane, Belfast, BT1 4QN.
Shaftesbury Bowling & Rec. Club, 20A Annadale Avenue, Belfast, BT7 3JJ.
Shu Restaurant, 253-255 Lisburn Road, Belfast, BT9 7EN.
Sliabh Dubh , 179 Whiterock Road, Belfast, BT12 7FW.
St John's Orangefield, 397 Castlereagh Road , Belfast, BT5 6AB.
The Jeggy Nettle, 12 Stranmillis Road, Belfast, BT9 5AA.
The Spaniard, 3 Skipper Street, Belfast, BT1 2DZ.
Ulster Museum, 4 Stranmillis Road, Belfast, BT9 5AB.

Dear Richard

Please note that District Councils are the lead organisation for Entertainment Licensing and the provisions of the Order under Schedule 1 allows for the application, regulation and restriction following consideration by the licensing authority.

The Order allows for the granting of a licence with conditions with the overarching aim of maximising safety and minimise risk and impact that may result from the granting of a licence. The role of the Police Service in consideration of entertainment licenses is limited. I would however highlight current regulatory practice:

- Private Security Industry Act 2001 – covers the requirement for the provision of licensed activities that may impact this application.
- Responsible retailing code (NI) – covers the responsible promotion and retail of alcohol.

At this time that are no current PSNI objections to the above application being further considered by Belfast City council, residents, other local business and NIFRS, with attention on the compliance of the conditions in **APPENDIX E – Safer Dancing / Reduction in the supply of drugs within the BCC Rules of Management.**

If the Licences are granted in due course please forward police a copy with any special conditions or restrictions with confirmation that all Belfast City Council requirements and conditions including all Building Regulations approvals have been adhered to and that any current, relevant COVID – 19 guidance will be considered by the licence holder.

Can you please remind the applicant about the ongoing 'Ask for Angela' campaign as we continue to raise awareness for this simple, yet effective initiative that allows those who may find themselves in a vulnerable situation, with a quick and discreet way to access the help they need. Please feel free to share and encourage your applicants to register and appear on the province wide map.



The Police Service of Northern Ireland has developed a short training package, in partnership with Hospitality Ulster for the 'Ask for Angela' safeguarding initiative across Northern Ireland. People who feel unsafe, vulnerable or threatened can discreetly seek help by approaching

venue staff. Asking for 'Angela' will indicate to trained staff that this person requires help in the form of; reuniting them with a friend, seeing them to a taxi, or by calling venue security and/or Police. The training package for the scheme is now available to access on the Hospitality Ulster website here:

<https://hospitalityulster.org/askforangela> or on the Northern Ireland Hotel Federation website here: <https://www.nihf.co.uk/ask-for-angela/> Any venue that wishes to take part must **first register via the link** above to sign up to the scheme and then they will be given access to the bespoke training package for their staff and promotional materials for their venue.

**Once venues have signed up they will be added to a map that has been designed to make the public aware of what once venues have signed up**

they will be added to a map that has been designed to make the public aware of what venues are involved.

Donna Tolan  
Licensing Constable  
Belfast City  
Extension: 21812  
Mobile: 07393143997  
Email: [Donna.tolan@psni.police.uk](mailto:Donna.tolan@psni.police.uk)

Musgrave Police Station • 60 Victoria Street • Belfast • BT1 3GL

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**Belfast**  
City Council

LICENSING COMMITTEE

INSERT AGENDA ITEM

<b>Subject:</b>	<b>Deferred Review of Pavement Café Licence – Voodoo, Fountain Street</b>
<b>Date:</b>	21 June 2023
<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"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	Committee are reminded that, at your meetings in November 2022, December 2022 and April 2023, you considered the review of two Temporary Pavement Café Licences in Fountain Street.
1.2	DfI-Roads had notified the Council that, in their 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	At your meeting in April 2023, the Committee again agreed to defer consideration of the request from the Department for Infrastructure to revoke the original Temporary Pavement Café Licence for Voodoo.

1.4	A copy of the report and the minutes of the meeting of 16 November 2022, 14 December 2022 and 12 April 2023 are included as Appendix 1 to this report for your information.
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<b>2.0</b>	<b>Recommendations</b>
2.1	Committee is requested to consider if a site visit is required to be undertaken before making a decision in relation to the application.
2.2	Should a site visit not be required, then 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	<p>Thereafter, if the Committee is minded to agree to the DfI request to revoke the Licence:</p> <ol style="list-style-type: none"> <li>1. The Committee is required to decide if it is in the public interest to revoke the licence without giving 21 days notice, or</li> <li>2. The Licensee must be informed and 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.</li> </ol> <p>Should that be that case the decision to revoke the Licence will be considered at a meeting of the Committee on a later date.</p>
2.4	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	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.
3.2	Mr. Smyth had submitted a new application for a Temporary Pavement Café in Fountain Street adjacent to Norwich Union House.
3.3	<p>Following statutory consultation, no objections were received from either DfI Roads or the PSNI, and there were no objections arising from the public notice of the application. Therefore, a Temporary Pavement Café Licence has now been granted to Mr. Ciaran Smyth for Fountain Street, adjacent to Norwich Union House, under delegated authority.</p> <p><b>Consideration of undertaking a site visit</b></p>
3.4	At your meeting in April 2023, the Committee recommended that the consideration of the licence be deferred as the incoming Committee may wish to undertake a site visit to the Castle Street/Fountain Street area to familiarise itself with all of the relevant issues. It was also agreed that the owners of the business and representatives of the Department for Infrastructure be invited to attend.
3.5	Members are asked to confirm if they are of a view that a site visit is required to be undertaken.

3.6	<p>Alternatively, should Members decide that a site visit is not required, you may consider the request to initiate the revocation of Voodoo's Pavement Café Licence in the middle of Fountain Street.</p> <p><b>Consideration of revocation of the Licence</b></p>
3.7	Should 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.
3.8	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.
3.9	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, the opportunities already provided to the licensee to make representation at your previous meetings, and the granting of the new Licence for Fountain Street Committee may therefore consider if it is in the public interest to revoke the licence without giving 21 days notice.
3.10	<p>Unless Committee consider it is in the public interest to revoke the licence without giving 21 days notice, the actual decision to revoke the Licence will be considered at a meeting of the Committee on a later date.</p> <p><b><u>Financial and Resource Implications</u></b></p>
3.11	<p>None.</p> <p><b><u>Equality and Good Relations Implications/Rural Needs Assessment</u></b></p>
3.12	There are no issues associated with this report.
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Minutes of previous meetings and reports pack</li> <li>• Appendix 2 – Statement from Voodoo Licensee</li> </ul>

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

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

(The Committee agreed to consider these two items simultaneously.)

(Mr. S. Dolan, Senior Development Manager, City Regeneration and Development Unit, attended in connection with these items.)

The Committee was reminded that, at its meetings on 16th November and 14th December, it had considered a request from DfI Roads Service for the removal or relocation of two Temporary Pavement Cafés situated in the middle of Fountain Street, close to its junction with Castle Street, being operated as part of the City Picnic and Voodoo businesses. The request had been made with the aim of facilitating the safe movement of vehicular traffic in the street, following its reopening after the Primark fire. The Committee had agreed to defer the request to enable further information to be obtained from the Department for Infrastructure on its plans for the development of the City centre, for Council officers to determine Translink's intentions for the area and for new applications to relocate to adjacent locations to be determined.

The Building Control Manager reported that a pavement café licence had since been granted under delegated authority to the owner of City Picnic for the remaining closed portion between the junction of Fountain Street and Castle Junction and to the owner of Voodoo for another location in Fountain Street, beside Norwich Union House. No objections had been received from DfI Roads or the Police Service of Northern Ireland or through the public notice process for either application and the licences had been issued.

He went on to point out that matters relating to transport planning and policy in the City were dealt with by the Council's City Regeneration Team, via the City Growth and Regeneration Committee. He explained that the Department for Infrastructure was currently developing the Belfast Metropolitan Transport Plan, in line with the Northern Ireland Executive's commitments under the Climate Action Plan. The initial stage would focus upon the City centre and strategic public transportation connections and involve a modelling exercise to identify options for shaping the Department's future plans for the City centre in terms of transportation requirements. It would, in due course, present its findings to the City Growth and Regeneration Committee.

He added that Translink was also due to attend a future meeting of the aforementioned Committee to outline its transportation plans for the City. However, this would also be dependent on the outworking's of the Transport Plan modelling exercise and subsequent recommendations. It would, he suggested, be beneficial for the Members of the Licensing Committee to attend the meeting of the City Growth and Regeneration Committee at which the Department for Infrastructure and Translink would be making their presentations.

The Building Control Manager concluded by recommending that the Committee consider the request from DfI Roads Service to revoke the Temporary Pavement Café Licences in Fountain Street which had been granted originally to City Picnic and Voodoo. Should the Committee accede to that request, the Council would be required to inform each licensee of the grounds for revoking their licence and provide them with at least twenty-one days from the date of notification in which to make representation. There was also scope within the legislation for the Council to revoke a licence without providing notification. The Committee could, based upon the representations made by DfI Roads Service, consider if it was in the public interest to do so without giving twenty-one days' notice.

It was reported that Mr. A. McAnerney, the owner of City Picnic, was again in attendance and the Committee agreed that it would be beneficial to seek his views on the Department's request to revoke his original pavement café licence and on his current location.

Mr. McAnerney stated that it was his understanding that Castle Street would re-open to through traffic in the medium term and that he had received no assurances to the contrary. He pointed out that City Picnic and Voodoo had worked together to create a unique pavement café offering at their original locations in Fountain Street and confirmed that, given the uncertainty around the future of Castle Street, he remained opposed to the revocation of that licence.

Mr. D. McFarlane, who was attending on behalf of the Department for Infrastructure, referred to a number of initiatives being undertaken currently to enhance the City centre, including A Bolder Vision, Belfast Streets Ahead and the 5Cs Public Realm Project. He referred also to the overriding Belfast Metropolitan Transportation Plan which, in order to achieve its objectives, could see a radical change in coming years to roads/streets in the City centre in order to make cycling, walking and public transport more accessible. He added that the plans for Castle Street and Castle Place were as yet unclear in the context of the overall Transportation Plan.

The Senior Development Manager reiterated the points which had been made by the Building Control Manager and Mr. McFarlane around the various initiatives being undertaken to enhance the City centre. He confirmed that Council officers would be meeting with their counterparts in other agencies as that work developed and that Members would be informed of any relevant presentations to be made by the Department for Infrastructure and Translink to the City Growth and Regeneration Committee.

In response to issues which had been raised by a number of Members around any measures which could be put in place to ensure the safety of pedestrians in Fountain Street, Mr. McFarlane confirmed this could only be achieved by closing it to all traffic, which would create significant difficulties for those trying to service local businesses. He added that the street had been designed to facilitate the circular movement of traffic, thereby eliminating the need to undertake turning manoeuvres and to be pedestrianised during those set times when deliveries were not being made.

The Chairperson thanked Mr. McAnerney and Mr. McFarlane for their contribution.

After discussion, the Committee agreed to again defer consideration of the request from the Department for Infrastructure to revoke the original Temporary Pavement Cafés for City Picnic and Voodoo to enable the incoming Committee to undertake a site visit to the Castle Street/Fountain Street area to familiarise itself with all of the relevant issues. It agreed also that the owners of those businesses and representatives of the Department for Infrastructure be invited to attend.





<b>Subject:</b>	<b>Review of Pavement Café Licence – Voodoo, Fountain Street</b>
<b>Date:</b>	12th April, 2023
<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 your meetings in November and December 2022, you 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 agreed to defer the review of the Voodoo's Pavement Café Licence until a formal application had been submitted by Voodoo for a new location, adjacent to Norwich Union House and that agreement was reached with DfI on the suitability of this location.



1.4	In addition, the Committee requested that representatives from DfI Roads be invited to attend Committee to outline their plans for the development of the city centre and for officers to ascertain what plans Translink had for the area.
1.5	A copy of the report and the minutes of 16th November and 14th December are attached.

<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 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 your meeting in December, Members had asked for representatives from DfI Roads to be invited to attend the Committee to outline their plans for the development of the city centre and for officers to ascertain what plans Translink had for the area.
3.2	The Committee is reminded that matters pertaining to transport planning and policy in the City is dealt with by the Council's City Regeneration team, via the Council's City Growth and Regeneration Committee.
3.3	DfI is currently developing the Belfast Metropolitan Transport Plan (BMTP), in line with the Executive Commitments under the Climate Action Plan. The initial stage of this work will concentrate on Belfast City Centre and strategic public transportation connections and will involve modelling of options to recommend the optimum network for the city centre transportation requirements to deliver on the Department's Climate Action Plan commitments. This work will form a major element of the Department's future plans for the city centre. This work remains in progress, however, DfI has committed to engage with the Council on the emerging findings of the BMTP modelling and it is expected that this will be reported through the City Growth and Regeneration Committee.
3.4	Translink are also due to attend the Council's City Growth and Regeneration Committee, at a date to be confirmed, to outline transportation plans for the City. However this will also be dependent on the outworking's of the BMTP modelling exercise and subsequent recommendations. If Members are in agreement, to avoid the need for duplication, arrangements can be made for this Committee to attend the City Growth and Regeneration Committee and hear of these plans.
3.5	A representative from DfI Roads has been invited to your meeting to outline their plans for the development of the city centre.

	<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.
3.7	The Committee is reminded that it had deferred the review of Voodoo's Pavement Café Licence until a formal application was submitted by Voodoo for a new location adjacent to Norwich Union House and that agreement was reached with DfI on the suitability of this location.
3.8	Mr. Smyth has now submitted an application for a site adjacent to Norwich Union.
3.9	Following statutory consultation, no objections were received from either DfI Roads or the PSNI and there were no objections arising from the public notice of the application. Therefore, a Temporary Pavement Café Licence has now been granted to Mr. Ciaran Smyth for Fountain Street, adjacent to Norwich Union House under delegated authority.
3.10	The Committee should now consider the request to initiate the revocation of City Picnic's Pavement Café Licence in the middle of Fountain Street.
	<b>Notification of Revocation</b>
3.11	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.
3.12	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.
3.13	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. Members are reminded that this matter has now been deferred twice.
3.14	Before deciding whether to revoke the licence the council must take into account any representations made by the licence holder within the period.
	<b><u>Financial and Resource Implications</u></b>
3.15	None.
	<b><u>Equality and Good Relations Implications/Rural Needs Assessment</u></b>
3.16	There are no issues associated with this report.
<b>4.0</b>	<b>Documents Attached</b>
	Appendix 1 – Minute and Committee report of 14th December, 2022
	Appendix 2 – Minute and Committee report of 16th November, 2022



**Licensing Committee,  
Wednesday, 14th December, 2022**

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

The Chairman welcomed Mr. Feargal Smyth, Manager of Santeria, who joined the meeting to represent Voodoo on behalf of Mr. Ciaran Smyth. Due to his inability to attend the Committee, Mr. C. Smyth had sent a written submission which had been circulated to the Members in advance of the meeting. The Chairperson invited Mr. F. Smyth to deliver his representation.

Mr. F. Smyth highlighted the importance of the outside area as an extension to Voodoo which was essentially a music venue as well as a bar and that it would not be good for the business if it was taken away. He stated that the business would move the outside area to the new proposed area, however, the business would need 21 days over the Christmas period as it would be difficult to move it in such a busy period. He further stressed the importance of the outside area.

The Building Control Manager informed the Committee that the application for Voodoo was at the preliminary stage and until an application was received the Council could not formally consult with DfI-Roads. He clarified the legislative process around the 21 days notice period that the Council were required to give a licensee if it was minded to revoke their licence.

The Committee agreed to defer the review of the Pavement Café Licence until a formal application was submitted by Voodoo for a new location adjacent to Norwich Union House and that agreement was reached with DfI on the suitability of this location. In addition, Members requested representatives from DfI Roads be invited to attend the Committee to outline their plans for the development of the city centre and for officers to ascertain what plans Translink had for the area.





<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

<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.

<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>

	<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





**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 DfI. She advised that DfI'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 DfI 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

<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 Voodoo's Temporary Pavement Café Licence, which is impacted by the reopening of Fountain Street at its junction with Castle Street.

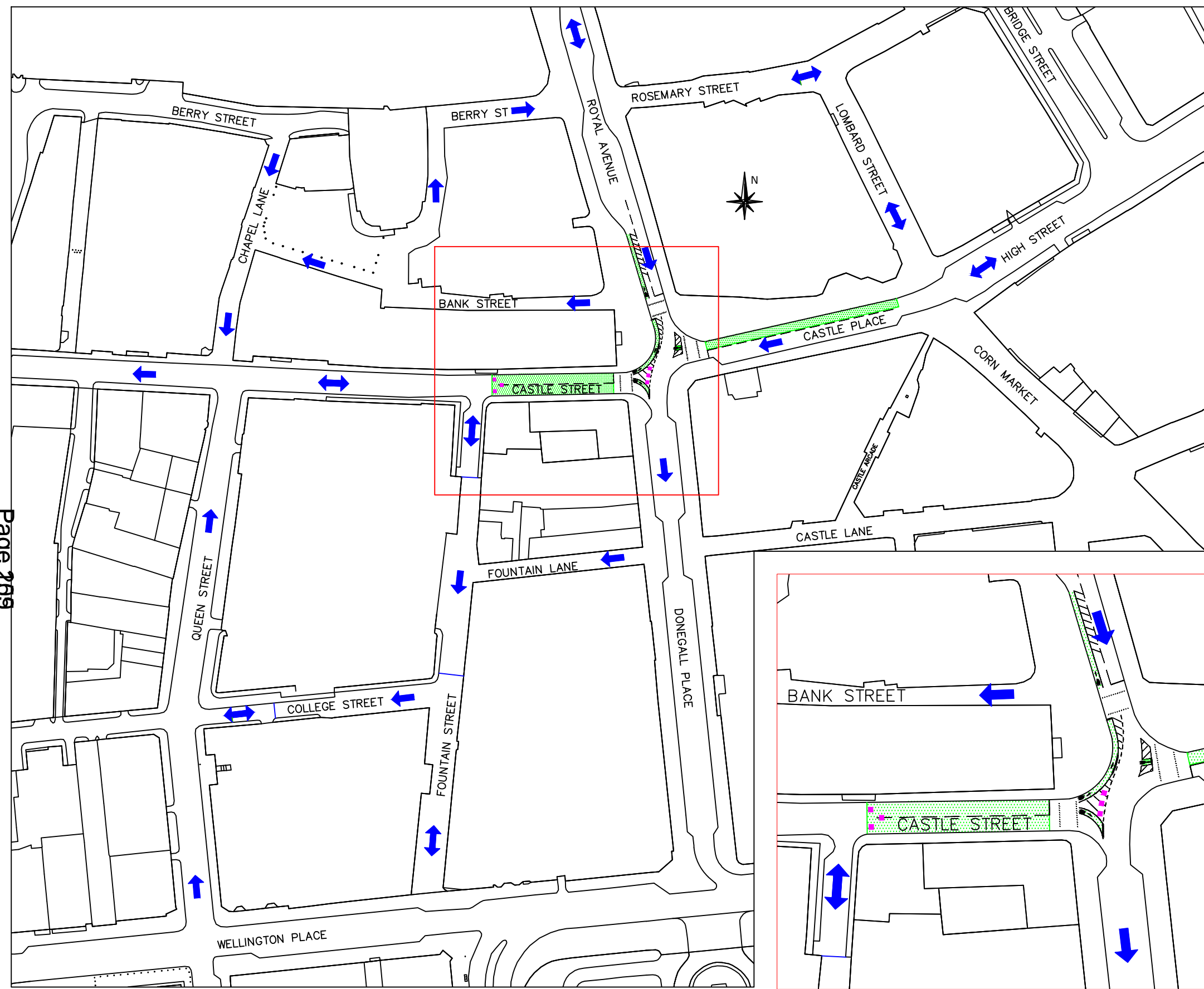
<b>2.0</b>	<b>Recommendations</b>
2.1	Taking into account the information presented and the representations received Members are asked to consider the request from DfI Roads Service to revoke the Temporary Pavement Café Licence.
2.3	If the Committee is minded to agree to the DfI request to revoke a Licence, 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.

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>

	<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:

	<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  
Stormont Estate  
Belfast  
BT4 3SQ

Telephone: 0300 200 7893  
Textphone: 028 90540022

Department for  
**Infrastructure**  
An Roinn  
**Bonneagair**  
[www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)

INVESTOR IN PEOPLE



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**From:** Ciaran**Sent:** 09 November 2022 16:13**To:** James Cunningham <CunninghamJ@BelfastCity.gov.uk>**Cc:** Cathy Reynolds <ReynoldsC@BelfastCity.gov.uk>**Subject:** [EXTERNAL]RE: Temporary Pavement Cafe Licence for Voodoo - Fountain Street

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James

Thank you for your mail.

I have copied Cathy Reynolds in to this reply so that she can be kept up to date. I have spoken to her about this matter previously and am expecting a further meeting with her.

I am aware that DfI wish to return the roads to the original layout before the Primark Fire.

The pavement cafes licences were not introduced as a result of that fire. They were introduced as a result of restricted use of our premises as a result of the Covid pandemic. The Council have had regard to the subsequently huge challenges that have faced traders, and continue to face those businesses, since then. They have wisely rolled the licenses on from year to year to assist us all. Unfortunately we will not be allowed to benefit from that facility in the future.

Because of the circumstances all businesses have been faced with, they have reorientated their offer to make full use of these pavement cafe areas. We are no exception. A recent exercise shows us that an average £10,000 of our weekly turnover is attributable to that pavement café facility. While the rule that you should be able to clear the pavement café in 20 minutes is understood to be in circumstances where you can replace it after the event, it takes considerably longer to plan the reorientation of your business to that extent.

With respect to an associated Pavement Café approval for our Santeria outlet, which we attempted to open on Fountain Mews, I would remind you that I have given notice to both the Council and to DfI that this alley way, which is named for upgrade in the Council's North West Inner City Plan, is currently under threat of adverse possession by a Luxembourg based property development company. We attempted to open our Council Approved pavement café for Santeria, in the Mews, having been told that our proposal fitted the Plan's aims for the alley. We were not able to. We found ourselves having to defend a Court Injunction by the adverse possessor. We had informed both the Council and the DfI about the attempt to take public land. The DfI replied to the effect that they weren't interested. The Council did not respond at all. The whole venture cost my company £15,000 to maintain the status quo. Neither public body appears to have made any further effort to protect this public land. We did not benefit from this Pavement Café license as planned.

The pavement café that was established between ourselves and City Picnic has been a big help to both businesses. That and previous work done by ourselves in the area make Fountain Street a buzzing and vibrant public space. The café should be developed fully, not removed in a retrograde plan to take the area back four years in time. The DfI are denying the organic growth of the city that local business inspire. To allow that to happen is denying the need to properly plan the core of the city. We were greatly encouraged, only two weeks ago, when a Castle Street multi

agency group attended by City Picnic determined that Castle Street should be fully pedestrianised up to King Street. We were putting together plans to dress the space up for the Christmas period and to invest in further enhancement of the area. We've quickly had to withdraw from those plans because the reinstatement of twenty meter length of two way carriage way is thought of as necessary.

I don't purport to be an expert on roads logistics but I would like to make a few observations on the safety aspect of things. Deliveries to businesses in the whole city, not just this one area, are restricted to times before 11:00am. Deliveries must be made daily. The dangers of parking and reversing trucks are unfortunate necessities at these times and need to be managed. Vans tend to deliver at unpredictable times, often after the 11:00 deadline. They sometimes reverse down the road, with loud buzzers and flashing lights. The main problem here is that the deadline is not enforced.

We note that under the scheme in use now, that vans and lorries are simply turning at the Castle Street/Fountain Street junction. They will be doing exactly the same thing, as they serve Castle Street whether our pavement café is there or not, because a reopened Fountain Street 20m long doesn't take them anywhere.

That turning exercise is more dangerous than anything I have seen on Fountain Street, and certainly points the way forward to the pedestrianisation of the whole of Castle Street. Perhaps the plan is to take all lorries and vans in to Fountain Street and have them exit via Castle Street. This will hugely increase the traffic on a pedestrianised Fountain Street and still create pedestrian/traffic conflict at the Castle Street/Fountain Street Junction. We could receive deliveries from Castle Street as things sit and currently. We are the only business needing serviced beyond the junction of Fountain Lane.

The point to note from the above paragraph, is that the DfI have not given any consideration to investigating a progressive alternative plan that might make economical use of the natural progression of local businesses. When we met DfI last Thursday, their attitude was 'do you think we are going to change roads policy for a couple of wee pavement cafes?' I know that the Council will have noted many other instances of this hindrance to providing a safe and green environment. I think it's time DfI listened.

Regarding moving Voodoo's pavement café, we are reluctant to do so. The DfI have pointed us towards the area along the Fountain Street frontage of Norwich Union House. This area doesn't have the same visual impact on the street, but of greater concern is that it is about to be demolished. We will obviously have to clear it away again for some months during demolition. After that the owners of the site may not be happy with our facility sitting back on their boundary as they try to develop the land use.

I therefore am engaging in discussions with the owners of that site to see if we can work with them. That will take time. While the 20m of two way carriageway may be featureless and unnecessary, I would hope that we could again add positively to the Fountain Street/Castle Street area. The difficulty will be dealing with the financial requirements of a private enterprise as opposed to the relatively economical proposition of a pavement café license.

I would therefore like to speak to the committee with a view to :

- 1) Pointing out the retrogressive nature of a Roads Service dictating to city planners.
- 2) Seeking more time to develop possible alternative plans
- 3) Ask the council to help both ourselves and, hopefully, the owners of the Norwich Union site develop a satisfactory plan for its use during the inevitable void period that might involve our business.

I'll get back to you shortly with word on whether or not I'm to be accompanied.

Regards

Ciaran Smyth  
VOODOO

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**Belfast**  
City Council

LICENSING COMMITTEE

INSERT AGENDA ITEM

<b>Subject:</b>	<b>Deferred Review of Pavement Café Licence – City Picnic, Fountain Street</b>
<b>Date:</b>	21 June 2023
<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"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	Committee are reminded that, at your meetings in November 2022, December 2022 and April 2023, you considered the review of two Temporary Pavement Café Licences in Fountain Street.
1.2	DfI-Roads had notified the Council that, in their 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	At your meeting in April 2023, the Committee again agreed to defer consideration of the request from the Department for Infrastructure to revoke the original Temporary Pavement Café Licence for City Picnic.

1.4	A copy of the report and the minutes of the meeting of 16 November 2022, 14 December 2022 and 12 April 2023 are included as Appendix 1 to this report for your information.
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<b>2.0</b>	<b>Recommendations</b>
2.1	Committee is requested to consider if a site visit is required to be undertaken before making a decision in relation to the application.
2.2	Should a site visit not be required, then 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	<p>Thereafter, if the Committee is minded to agree to the DfI request to revoke the Licence:</p> <ol style="list-style-type: none"> <li>1. The Committee is required to decide if it is in the public interest to revoke the licence without giving 21 days notice, or</li> <li>2. The Licensee must be informed and 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.</li> </ol> <p>Should that be that case the decision to revoke the Licence will be considered at a meeting of the Committee on a later date.</p>
2.4	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	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 licence is for a site in the middle of Fountain Street close to the junction with Castle Street.
3.2	Mr. McAnerney had 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.
3.3	<p>Following statutory consultation, no objections were received from either DfI Roads or the PSNI and there were no objections arising from the public notice of the application. Therefore, a Temporary Pavement Café Licence has now been granted to Mr. Arthur McAnerney for Castle Street, under delegated authority.</p> <p><b>Consideration of undertaking a site visit</b></p>
3.4	At your meeting in April 2023, the Committee recommended that the consideration of the licence be deferred, as the incoming Committee may wish to undertake a site visit to the Castle Street/Fountain Street area to familiarise itself with all of the relevant issues. It was also agreed that the owners of the business and representatives of the Department for Infrastructure be invited to attend.
3.5	Members are asked to confirm if they are of a view that a site visit is required to be undertaken.



3.6	<p>Alternatively, should Members decide that a site visit is not required, you may consider the request to initiate the revocation of City Picnic's Pavement Café Licence in the middle of Fountain Street.</p> <p><b>Consideration of revocation of the Licence</b></p>
3.7	<p>Should 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.</p>
3.8	<p>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.</p>
3.9	<p>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, the opportunities already provided to the licensee to make representation at your previous meetings, and the granting of the new Licence for Castle Street, Committee may therefore consider if it is in the public interest to revoke the licence without giving 21 days notice.</p>
3.10	<p>Unless Committee consider it is in the public interest to revoke the licence without giving 21 days notice the actual decision to revoke the Licence will be considered at a meeting of the Committee on a later date.</p> <p><b><u>Financial and Resource Implications</u></b></p>
3.11	<p>None.</p> <p><b><u>Equality and Good Relations Implications/Rural Needs Assessment</u></b></p>
3.12	<p>There are no issues associated with this report.</p>
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"> <li>Appendix 1 – Minutes of previous meeting and reports pack</li> </ul>

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

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

(The Committee agreed to consider these two items simultaneously.)

(Mr. S. Dolan, Senior Development Manager, City Regeneration and Development Unit, attended in connection with these items.)

The Committee was reminded that, at its meetings on 16th November and 14th December, it had considered a request from DfI Roads Service for the removal or relocation of two Temporary Pavement Cafés situated in the middle of Fountain Street, close to its junction with Castle Street, being operated as part of the City Picnic and Voodoo businesses. The request had been made with the aim of facilitating the safe movement of vehicular traffic in the street, following its reopening after the Primark fire. The Committee had agreed to defer the request to enable further information to be obtained from the Department for Infrastructure on its plans for the development of the City centre, for Council officers to determine Translink's intentions for the area and for new applications to relocate to adjacent locations to be determined.

The Building Control Manager reported that a pavement café licence had since been granted under delegated authority to the owner of City Picnic for the remaining closed portion between the junction of Fountain Street and Castle Junction and to the owner of Voodoo for another location in Fountain Street, beside Norwich Union House. No objections had been received from DfI Roads or the Police Service of Northern Ireland or through the public notice process for either application and the licences had been issued.

He went on to point out that matters relating to transport planning and policy in the City were dealt with by the Council's City Regeneration Team, via the City Growth and Regeneration Committee. He explained that the Department for Infrastructure was currently developing the Belfast Metropolitan Transport Plan, in line with the Northern Ireland Executive's commitments under the Climate Action Plan. The initial stage would focus upon the City centre and strategic public transportation connections and involve a modelling exercise to identify options for shaping the Department's future plans for the City centre in terms of transportation requirements. It would, in due course, present its findings to the City Growth and Regeneration Committee.

He added that Translink was also due to attend a future meeting of the aforementioned Committee to outline its transportation plans for the City. However, this would also be dependent on the outworking's of the Transport Plan modelling exercise and subsequent recommendations. It would, he suggested, be beneficial for the Members of the Licensing Committee to attend the meeting of the City Growth and Regeneration Committee at which the Department for Infrastructure and Translink would be making their presentations.

The Building Control Manager concluded by recommending that the Committee consider the request from DfI Roads Service to revoke the Temporary Pavement Café Licences in Fountain Street which had been granted originally to City Picnic and Voodoo. Should the Committee accede to that request, the Council would be required to inform each licensee of the grounds for revoking their licence and provide them with at least twenty-one days from the date of notification in which to make representation. There was also scope within the legislation for the Council to revoke a licence without providing notification. The Committee could, based upon the representations made by DfI Roads Service, consider if it was in the public interest to do so without giving twenty-one days' notice.

It was reported that Mr. A. McAnerney, the owner of City Picnic, was again in attendance and the Committee agreed that it would be beneficial to seek his views on the Department's request to revoke his original pavement café licence and on his current location.

Mr. McAnerney stated that it was his understanding that Castle Street would re-open to through traffic in the medium term and that he had received no assurances to the contrary. He pointed out that City Picnic and Voodoo had worked together to create a unique pavement café offering at their original locations in Fountain Street and confirmed that, given the uncertainty around the future of Castle Street, he remained opposed to the revocation of that licence.

Mr. D. McFarlane, who was attending on behalf of the Department for Infrastructure, referred to a number of initiatives being undertaken currently to enhance the City centre, including A Bolder Vision, Belfast Streets Ahead and the 5Cs Public Realm Project. He referred also to the overriding Belfast Metropolitan Transportation Plan which, in order to achieve its objectives, could see a radical change in coming years to roads/streets in the City centre in order to make cycling, walking and public transport more accessible. He added that the plans for Castle Street and Castle Place were as yet unclear in the context of the overall Transportation Plan.

The Senior Development Manager reiterated the points which had been made by the Building Control Manager and Mr. McFarlane around the various initiatives being undertaken to enhance the City centre. He confirmed that Council officers would be meeting with their counterparts in other agencies as that work developed and that Members would be informed of any relevant presentations to be made by the Department for Infrastructure and Translink to the City Growth and Regeneration Committee.

In response to issues which had been raised by a number of Members around any measures which could be put in place to ensure the safety of pedestrians in Fountain Street, Mr. McFarlane confirmed this could only be achieved by closing it to all traffic, which would create significant difficulties for those trying to service local businesses. He added that the street had been designed to facilitate the circular movement of traffic, thereby eliminating the need to undertake turning manoeuvres and to be pedestrianised during those set times when deliveries were not being made.

The Chairperson thanked Mr. McAnerney and Mr. McFarlane for their contribution.

After discussion, the Committee agreed to again defer consideration of the request from the Department for Infrastructure to revoke the original Temporary Pavement Cafés for City Picnic and Voodoo to enable the incoming Committee to undertake a site visit to the Castle Street/Fountain Street area to familiarise itself with all of the relevant issues. It agreed also that the owners of those businesses and representatives of the Department for Infrastructure be invited to attend.





<b>Subject:</b>	<b>Review of Pavement Café Licence – City Picnic, Fountain Street</b>
<b>Date:</b>	12th April, 2023
<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 meetings in November and December 2022, 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 agreed to defer the review of the City Picnic Pavement Café Licence until the application for the new location in Castle Street had been completed.
1.4	In addition, the Committee requested that representatives from DfI Roads be invited to attend the Committee to outline their plans for the development of the city centre and for officers to ascertain what plans Translink had for the area.

1.5	A copy of the report and the minutes of 16th November and 14th December are attached.
<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 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 Committee meeting in December, Members had asked for representatives from DfI Roads to be invited to attend the Committee to outline their plans for the development of the city centre and for officers to ascertain what plans Translink had for the area.
3.2	The Committee is reminded that matters pertaining to transport planning and policy in the City is dealt with by the Council's City Regeneration team via the Council's City Growth and Regeneration Committee.
3.3	DfI is currently developing the Belfast Metropolitan Transport Plan (BMTP), in line with the Executive Commitments under the Climate Action Plan. The initial stage of this work will concentrate on Belfast City Centre and strategic public transportation connections and will involve modelling of options to recommend the optimum network for the city centre transportation requirements to deliver on the Department's Climate Action Plan commitments. This work will form a major element of the Department's future plans for the city centre. This work remains in progress however DfI have committed to engage with the Council on the emerging findings of the BMTP modelling and it is expected that this will be reported through the CG and R Committee.
3.4	Translink is also due to attend the Council's City Growth and Regeneration Committee, at a date to be confirmed, to outline transportation plans for the City, however this will also be dependent on the outworking's of the BMTP modelling exercise and subsequent recommendations. If Members are in agreement, to avoid the need for duplication, arrangements can be made for Members of the Licensing Committee to attend the City Growth and Regeneration Committee and hear of these plans.
3.5	A representative from DfI Roads has been invited to your meeting to outline their plans for the development of the city centre.

	<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 licence is for a site in the middle of Fountain Street, close to the junction with Castle Street. This has now been removed and relocated to Castle Street.
3.7	Mr. McAnerney had 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	The Committee is reminded that it agreed to defer the review of the City Picnic Pavement Café Licence until the application for the new location in Castle Street had been completed.
3.9	Following statutory consultation, no objections were received from either DfI Roads or the PSNI and there were no objections arising from the public notice of the application. Therefore, a Temporary Pavement Café Licence has now been granted to Mr. Arthur McAnerney for Castle Street, under delegated authority.
3.10	The Committee should now consider the request to initiate the revocation of City Picnic's Pavement Café Licence in the middle of Fountain Street.
	<b>Notification of Revocation</b>
3.11	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.
3.12	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.
3.13	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 and the granting of new Licence for Castle Street, the Committee may therefore consider if it is in the 'public interest' to revoke, the licence without giving 21 days' notice. Members are reminded that this matter has now been deferred twice.
3.14	Before deciding whether to revoke the licence the council must take into account any representations made by the licence holder within the period.
	<b><u>Financial and Resource Implications</u></b>
3.15	None.
	<b><u>Equality and Good Relations Implications/Rural Needs Assessment</u></b>
3.16	There are no issues associated with this report.
<b>4.0</b>	<b>Documents Attached</b>
	Appendix 1 – Minute and Committee report of 14th December, 2022 Appendix 2 – Minute and Committee report of 16th November, 2022





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

The Chairperson informed the Committee that the Review of Pavement Café Licence – City Picnic, Fountain Street (Item 2d) and Review of Pavement Café Licence – Voodoo, Fountain Street (2e) would be heard together. 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 Building Control Manager reminded the Committee that, at its meeting on 16th November, it had considered the review of 2 Temporary Pavement Café Licences in Fountain Street.

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. The Committee, after hearing from DfI-Roads and representatives from City Picnic and Voodoo (the licensees), had deferred making any decision to enable further information to be obtained.

At the meeting in November, the Committee had asked for more information from DfI-Roads, which would provide an analysis of road safety in the area, to enable it to properly consider the request to revoke the pavement café licences. The Committee had also asked for confirmation from DfI-Roads on whether Castle Street (portion between Fountain Street and Castle Junction) would remain pedestrianised.

In response to these queries DfI Roads had commented as follows:

*“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.*

*Due to the foregoing, the Department would urge the Council to not renew the licences on Fountain Street.*

*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*

**Licensing Committee,  
Wednesday, 14th December, 2022**

*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.*

*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.*

*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.*

*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.*

*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”.*

The Building Control Manager advised that officers had engaged with DfI-Roads in relation to its comments and requested that a public safety risk assessment be provided in support of its representation, however, this had not been carried out by the Department. He further advised that City Picnic had submitted an application for a new location in Castle Street with which DfI-Roads was generally content. The public notice period for objections had expired and officers were awaiting comments from the PSNI in relation to the new location which would determine the outcome of the temporary licence application in Castle Street.

From a political perspective, a Member relayed frustration in relation to how the matter had been dealt with by DfI and asked what the Committee could do to support the businesses over the Christmas period.

A Member, acting as a representative for the area, referred to the unreasonable and unfair pressure which had initially been put on the businesses to remove the street furniture before the Council had considered the issue. The Member criticised DfI's vehicle-first approach to the city centre despite the Council having made it clear it wanted to see transformation. In the absence of the Stormont Assembly, the Member stated that DfI were ignoring the biggest democratic, elected body in the region and the mandate the Members had been given. He agreed that peoples' safety should be paramount but did not accept that this could only be achieved by reopening the street to traffic. The Member asked the Committee to continue to enable the businesses to continue operating outdoors; and invited senior DfI officials to address the Committee on what steps they were taking to enable more pavement licences to be granted in the city centre, and what

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Wednesday, 14th December, 2022**

plans it had for more pedestrianised zones which would provide for cafes, street markets and entertainment in line with the expressed will of the Council.

The Chairperson referred to the public safety risk assessment and asked why DfI-Roads had not carried out the assessment given it was the expert in road safety. The Chairperson invited DfI-Roads to respond.

In response, Mr. D. McFarlane, Divisional Roads Manager reported that DfI-Roads had been working closely with the Council on a range of measures throughout the city centre including on the issue around active travel and public transport. He continued that there was a lot happening and there was still a lot to happen under the remit of the Climate Change Act. In terms of these 2 pavement café licences, he advised that DfI-Roads had been acting as consultees to provide a roads input in relation to roads safety which was effectively what had been done. He stated that the pavement café opportunity had been a temporary measure as a result of the Primark fire which had closed the road, however, the road had been reopened creating road safety issues. Mr. McFarlane reiterated DfI-Road's concerns and assessment of public risk referred to in its response. In relation to the public safety risk assessment, he stated that the Council might wish to get an independent view of the risks given that some of the Members had not accepted DfI's analysis.

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

Mr. Gregg advised that he and Mr. McAnerney were extremely fearful as he expected that in 6 months the business would be asked to move to allow for the area to be opened up to buses. He stressed that times were tough for the business and that it was a sad indictment of what was going on in Belfast. He stated that businesses needed this help. He continued that the reversing of cars and deliveries had been going on in the area for 8 years.

Mr. D. McFarlane, Divisional Roads Manager was invited to respond to the points raised by Mr. G. Gregg. He referred to the climate crisis and the model shift from the private car to public transport and active travel. He stated that there were no plans for buses in the area, however, he couldn't provide certainty but there was a need to be cognisant of the climate challenge. He disagreed with Mr. Gregg's statement about the 8-years and reiterated DfI-Road's concerns around road safety.

The Committee agreed to defer the review of the Pavement Café Licence until the application for the new location in Castle Street was complete. In addition, Members requested representatives from DfI Roads be invited to attend the Committee to outline their plans for the development of the city centre and for officers to ascertain what plans Translink had for the area.





<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



**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 Dfl 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 Dfl met with City Picnic and Voodoo. He explained that Dfl 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 Dfl 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 Dfl could not accept that risk.

A Member asked Dfl 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 Dfl 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 Dfl perspective the current Pavement Café Licence arrangement in Fountain Street would never have been acceptable albeit the road was temporarily closed and formalised by Dfl 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"/>

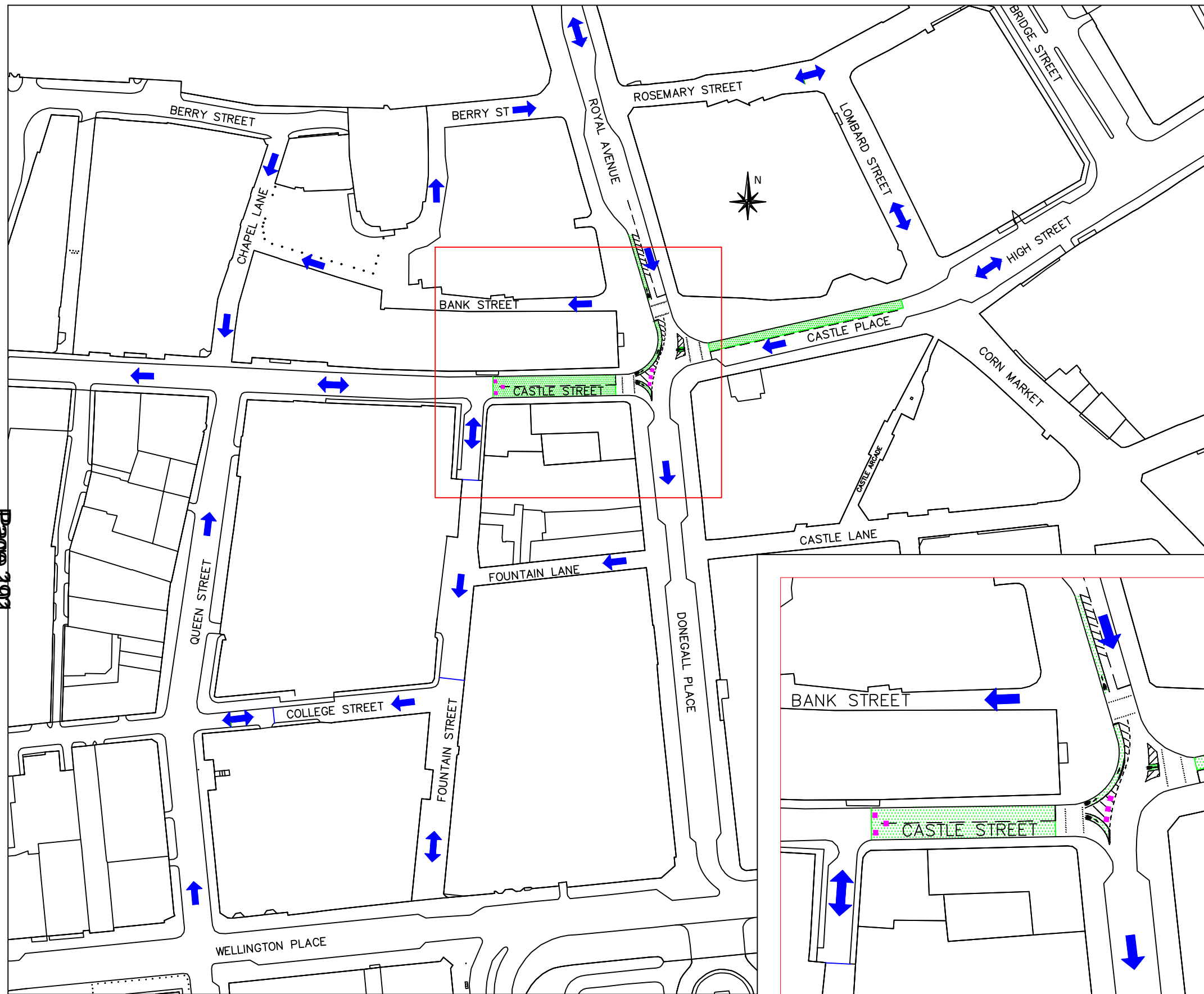
<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>
1.1	To consider representations from DfI-Roads in relation to City Picnic's Temporary Pavement Café Licence, which is impacted by the re-opening of Fountain Street, at its junction with Castle Street.
<b>2.0</b>	<b>Recommendations</b>
2.1	Taking 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>

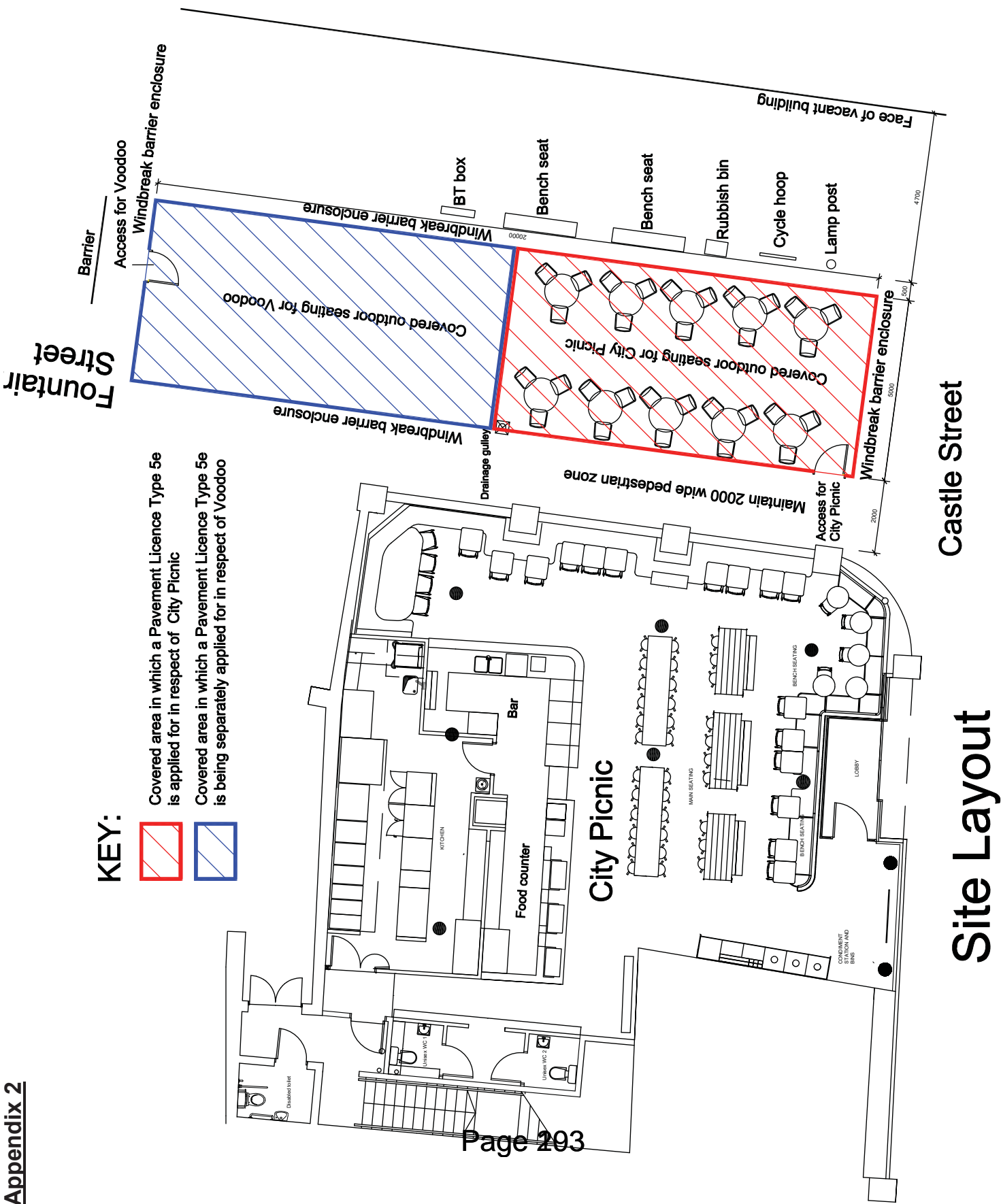
	<p>site plans based on these discussions should then be submitted to the Council for formal consultation with DfI-Roads thereafter.</p> <p><b><u>Options available within the scope of the Pavement Café legislation</u></b></p>
3.11	The Pavement café legislation allows the Council, if it is satisfied that 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.
	<b><u>Notification of Revocation</u></b>
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.
	<b><u>City Picnic</u></b>
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.

3.22	<p><b><u>Financial and Resource Implications</u></b></p> <p>None.</p> <p><b><u>Equality and Good Relations Implications/Rural Needs Assessment</u></b></p>
3.23	<p>There are no issues associated with this report.</p>
4.0	<p><b>Documents Attached</b></p>
	<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
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		
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