

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



**Belfast
City Council**

MEETING OF THE LICENSING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room - City Hall and remotely via Teams on Wednesday, 16th August, 2023 at 5.15 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) Licences Issued Under Delegated Authority (Pages 1 - 8)
- (b) Competing Stationary Street Trading Licence applications for Donegall Square East at Centra (Pages 9 - 26)
- (c) Reconsideration of Designating Resolution for Street Trading Sites at Writers Square, Annadale Embankment and King Street (Pages 27 - 44)
- (d) Application for the Grant of a 7-Day Annual Outdoor Entertainments Licence for The Topsy Bird, 96-100 Ann Street, Belfast, BT1 3HH (Pages 45 - 56)

- (e) Consideration of an objection to an application for the renewal of an Entertainments Licence for The Suffolk Inn (Pages 57 - 88)
- (f) Application for the Grant of a 7-Day Annual Outdoor Entertainments Licence for Holy Cross Boys Pitch, Butlers Walk, Belfast, BT14 7BZ (Pages 89 - 94)
- (g) Update regarding legal proceedings concerning a decision of the Licensing Committee to refuse an application for a new HMO licence for 30 Eblana Street, Belfast, BT7 1LD (Pages 95 - 136)

3. **Non-Delegated Matters**

- (a) Review of Pavement Café Licensing Workshop (Pages 137 - 140)
- (b) Report and Proposals from the Department for Communities Review of Houses in Multiple Occupation Licensing Scheme (Pages 141 - 146)
- (c) Notices of Motion – Annual Update (Pages 147 - 152)



Belfast
City Council

LICENSING COMMITTEE

INSERT AGENDA ITEM

Subject:	Licences Issued Under Delegated Authority
Date:	16 August 2023
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
Contact Officer:	James Cunningham, Senior Licensing Officer, Ext. 3375

Restricted Reports

Is this report restricted?

Yes

☐

No

☒

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Some time in the future

Never

☐
☐
☐
☐

Call-in

Is the decision eligible for Call-in?

Yes

☒

No

☐

1.0	Purpose of Report or Summary of main Issues
1.1	Under the Scheme of Delegation, the Director of Planning and Building Control is responsible for exercising all powers in relation to the issue, but not refusal, of Permits and Licences, excluding provisions relating to the issue of Licences where adverse representations have been made.
2.0	Recommendations
2.1	The Committee is requested to note the applications that have been issued under the Scheme of Delegation.

3.0Main report

Key Issues

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

Premises and Location	Type of Application	Applicant
AC Hotel by Marriott Belfast, 90 Donegall Quay, Belfast, BT1 3FE.	Grant	Mr Ruairi McLaughlin, City Quays Hotel Ltd
Allen Memorial Hall, 102-104 Cregagh Road, Belfast, BT6.	Renewal	Mr Jim McCurry
Beechlawn House Hotel, 4 Dunmurry Lane, Belfast, BT17 9RR.	Renewal	Mrs Roisin McIlhone, Ethril Ltd
Belfast Telegraph Printworks, 122-144 Royal Avenue, Belfast, BT1.	Transfer	Mr Alan Simms, SD Event Management Ltd
Belvoir Activity Centre, 100 Belvoir Drive, Belfast, BT8 7DT.	Renewal	Ms Gillian White, Greenwich Leisure Ltd
Ben Madigan's Bar & Kitchen, Cavehill Inn, 169-175 Cavehill Road, Belfast, BT15 5BP.	Renewal	Mr Kelvin Collins, Ben Madigan's Bar & Kitchen Ltd
Campbell College, Belmont Road, Belfast, BT4 2ND.	Renewal	Mr Wayne Harper
CIYMS, 91 Circular Road, Belfast, BT4 2GD.	Renewal	Mr Chris Shields
Common Market, Arnotts Building, 16-20 Dunbar Street, Belfast, BT1.	Renewal	Ms Alana Fox, Carlisle Inns Ltd
Conway Mill, 5-7 Conway Street, Belfast, BT13 2DE.	Renewal	Mr Andy Donnelly, Conway Street Community Enterprises Project Ltd
Cosy Bar, 44-50 Omeath Street, Belfast, BT6 8DN.	Renewal	Mr Colin Bell, Hillhall Ltd
Culturlann McAdam O'Fiach, 216 Falls Road, Belfast, BT12 6AH.	Renewal	Ms Fionnghuala Nic Ainmhire
Cutters Wharf, Lockview Road, Belfast, BT9 5FJ.	Renewal (Outdoor)	Mr Robert Davis, Regency Hotel (NI) Ltd
Cutters Wharf, Lockview Road, Belfast, BT9 5FJ.	Renewal (Indoor)	Mr Robert Davis, Regency Hotel (NI) Ltd
Divis Community Centre, 9 Ardmoulin Place, Belfast, BT12 4RT.	Renewal	Ms Catherine Taggart, Belfast City Council
Gort Na Mona GAC, Upper Springfield Road, Belfast, BT12 7QX.	Renewal	Ms Michelle Bradley
Hatfield House, 128-130 Ormeau Road, Belfast, BT7 2EB.	Renewal	Mr Kieran Cassidy, Cavanreagh Ltd
Hearth, 195-199 Upper Newtownards Road, Belfast, BT4 3JB.	Renewal	Mr Philip Patterson, Approachable Group Ltd

Premises and Location	Type of Application	Applicant
Horatio Todd's, 406-408 Upper Newtownards Road, Belfast, BT4 3EZ.	Renewal	Mr Stephen Magorrian, Wandsworth Pubs Ltd
Horn Drive Community Centre, 44A Horn Drive, Belfast, BT11 9NB.	Renewal	Ms Catherine Taggart, Belfast City Council
Knock Golf Club, Summerfield, Upper Newtownards Road, Belfast, BT16 2QX.	Renewal	Ms Anne Armstrong, Knock Golf Club Ltd
Kremlin Bar, 96 Donegall Street, Belfast, BT1 2GW.	Renewal	Ms Anthea Wilson, Anthology N.I. Ltd
Laurelglen Roadhouse, 208 Stewartstown Road, Belfast, BT17 0SB.	Renewal	Mr Michael Gallagher
Lavery's Bar, 12-22 Bradbury Place, Belfast, BT7 1RS.	Renewal	Mr Bernard Lavery, Lavery Ltd
Ligoniel Sports and Social Club, 186a Ligoniel Road, Belfast, BT14.	Grant	Mr James Sullivan
Longfellows Bar, 115-119 My Ladys Road, Belfast, BT6 8FE.	Renewal	Mr Maxwell Swain
Malone House, Barnetts Demesne, Malone Road, Belfast, BT9 5PB.	Renewal	Ms Ciara Glennon
NICSSA Sport and Leisure, The Pavilion Complex, Stormont Estate, Upper Newtownards Road, Belfast, BT4 3TA.	Renewal	Mr Kieran Devlin
Olympia Leisure Centre, Boucher Road, Belfast, BT12 6HR.	Renewal	Ms Cara Kursey, Greenwich Leisure Ltd
Parlour Bar, 2-4 Elmwood Avenue, Belfast, BT9 6AY.	Renewal (Outdoor)	Mr Robert Davis, Regency Hotel (NI) Ltd
Parlour Bar, 2-4 Elmwood Avenue, Belfast, BT9 6AY.	Renewal (Indoor)	Mr Robert Davis, Regency Hotel (NI) Ltd
QUB, The Speak-Easy, 92-96 Lisburn Road, Belfast, BT9 6AG.	Renewal	Mrs Joanne Clague, Queens University Belfast
Raven Social Club, 11-15 Castlereagh Street, Belfast, BT5 4NE.	Renewal	Mr Stephen Beattie
Robinsons Bar, 38-40 Great Victoria Street, Belfast, BT2 7BA.	Renewal	Mr Robert Davis, Regency Hotel (NI) Ltd
Royal British Legion, 30 Montgomery Road, Belfast, BT6 9JD.	Renewal	Mr Ronnie McCaughey
Shoe Factory, 12-14 Union Street, Belfast, BT1 2JF.	Renewal	Ms Anthea Wilson, Anthology N.I. Ltd
Sliabh Dubh, 179 Whiterock Road, Belfast, BT12 7FW.	Renewal	Mr Tony Clarke, Sliabh Dubh Pubs
St John's Orangefield, 397 Castlereagh Road, Belfast, BT5.	Renewal	Ms Lilian Jean Matchett

	<table><tr><th>Premises and Location</th><th>Type of Application</th><th>Applicant</th></tr><tr><td>The Crown Bar, 46 Great Victoria Street, Belfast, BT2 7BA.</td><td>Renewal</td><td>Mr Maclain Wilson, Mitchells & Butlers Leisure Retail</td></tr><tr><td>The Deers Head, 1-3 Lower Garfield Street, Belfast, BT1 1FP.</td><td>Renewal (Outdoor)</td><td>Mr Paul Camplisson, JAR(IRE) Ltd</td></tr><tr><td>The Deers Head, 1-3 Lower Garfield Street, Belfast, BT1 1FP.</td><td>Renewal (Indoor)</td><td>Mr Paul Camplisson, JAR(IRE) Ltd</td></tr><tr><td>The Deers Head, 1-3 Lower Garfield Street, Belfast, BT1 1FP.</td><td>Renewal (Marquee)</td><td>Mr Paul Camplisson, JAR(IRE) Ltd</td></tr><tr><td>The Doyen, 829-831 Lisburn Road, Belfast, BT9 7GY.</td><td>Renewal</td><td>Mr Robert Davis, Regency Hotel (NI) Ltd</td></tr><tr><td>The Jeggy Nettle, 12 Stranmillis Road, Belfast, BT9 5AA.</td><td>Renewal</td><td>Ms Janine Kane, JK Pubs Ltd</td></tr><tr><td>The Marcus Ward, 1 Bankmore Square, Belfast, BT7 1DH.</td><td>Renewal</td><td>Mr Lawrence Bannon, Tobar Inns Ltd</td></tr><tr><td>The Metropolitan Arts Centre, 10 Exchange Street West, Belfast, BT1 2NJ.</td><td>Renewal</td><td>Ms Anne McReynolds</td></tr><tr><td>The Topsy Bird, 96-100 Ann Street, Belfast, BT1 3HH.</td><td>Renewal</td><td>Mr Bobby Robertson, Glendola Leisure (Holdings) Ltd</td></tr><tr><td>Titanic Exhibition Centre, 17 Queen's Road, Belfast, BT3 9DU.</td><td>Renewal</td><td>Judith Owens, Titanic Exhibition Centre Ltd</td></tr><tr><td>Tropical Ravine, Botanic Gardens, Stranmillis Embankment, Belfast, BT7 1LP.</td><td>Grant</td><td>Mr David Sales, Belfast City Council</td></tr><tr><td>Ulster Reform Club, 4 Royal Avenue, Belfast, BT1 1DA.</td><td>Renewal</td><td>Mr Matthew Laird</td></tr><tr><td>Wellington Park Hotel, 19-21 Malone Road, Belfast, BT9 6RU.</td><td>Variation</td><td>Mr Felix Mooney, Dunadry Development Company Ltd</td></tr></table>	Premises and Location	Type of Application	Applicant	The Crown Bar, 46 Great Victoria Street, Belfast, BT2 7BA.	Renewal	Mr Maclain Wilson, Mitchells & Butlers Leisure Retail	The Deers Head, 1-3 Lower Garfield Street, Belfast, BT1 1FP.	Renewal (Outdoor)	Mr Paul Camplisson, JAR(IRE) Ltd	The Deers Head, 1-3 Lower Garfield Street, Belfast, BT1 1FP.	Renewal (Indoor)	Mr Paul Camplisson, JAR(IRE) Ltd	The Deers Head, 1-3 Lower Garfield Street, Belfast, BT1 1FP.	Renewal (Marquee)	Mr Paul Camplisson, JAR(IRE) Ltd	The Doyen, 829-831 Lisburn Road, Belfast, BT9 7GY.	Renewal	Mr Robert Davis, Regency Hotel (NI) Ltd	The Jeggy Nettle, 12 Stranmillis Road, Belfast, BT9 5AA.	Renewal	Ms Janine Kane, JK Pubs Ltd	The Marcus Ward, 1 Bankmore Square, Belfast, BT7 1DH.	Renewal	Mr Lawrence Bannon, Tobar Inns Ltd	The Metropolitan Arts Centre, 10 Exchange Street West, Belfast, BT1 2NJ.	Renewal	Ms Anne McReynolds	The Topsy Bird, 96-100 Ann Street, Belfast, BT1 3HH.	Renewal	Mr Bobby Robertson, Glendola Leisure (Holdings) Ltd	Titanic Exhibition Centre, 17 Queen's Road, Belfast, BT3 9DU.	Renewal	Judith Owens, Titanic Exhibition Centre Ltd	Tropical Ravine, Botanic Gardens, Stranmillis Embankment, Belfast, BT7 1LP.	Grant	Mr David Sales, Belfast City Council	Ulster Reform Club, 4 Royal Avenue, Belfast, BT1 1DA.	Renewal	Mr Matthew Laird	Wellington Park Hotel, 19-21 Malone Road, Belfast, BT9 6RU.	Variation	Mr Felix Mooney, Dunadry Development Company Ltd	
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3.2	Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 the following Amusement Permits were issued since your last meeting.																																											
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3.3	Under the terms of the Cinemas (Northern Ireland) Order 1991 the following Cinema Licences were issued since your last meeting.																																											
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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
Ballymore Filling Station, 2-10 Andersonstown Road, Belfast, BT11 9AJ.	Renewal	Mr Alan Pollock, Maxol Oil Ltd
Beersbridge Road Filling Station, 323-325 Beersbridge Road, Belfast, BT5 5DS.	Renewal	Mr Karl Hunter, Rathen Ltd
Cooleys Filling Station, 200 Andersonstown Road, Belfast, BT11 9EB.	Renewal	Mr Conor Cooley, Cooleys Ltd
Creightons of Balmoral, 2-4 Upper Lisburn Road, Belfast, BT10	Renewal	Mr Andrew Porter, Creightons of Balmoral Ltd
Creightons of Blacks Road, 243-267 Upper Lisburn Road, Belfast, BT10 0LN.	Renewal	Mr Andrew Porter, Creightons of Blacks Road Ltd
Creightons of Finaghy Ltd, 87-89 Upper Lisburn Road, Belfast, BT10 0GY.	Renewal	Mr Andrew Porter, Creightons of Finaghy Ltd
Embankment Service Station, 287 Shore Road, Belfast, BT15 3PW.	Renewal	Mr Arthur Eugene O' Reilly, Jesroe Services Ltd
Farrans Construction, 99 Kingsway, Belfast, BT17 9NU.	Renewal	Mr Tony Mulholland
Gilnahirk Filling Station, 109A Gilnahirk Road, Belfast, BT5.	Renewal	Mr Kevin Reid, Property Management Services Ltd
Maguires Garage, 534 Falls Road, Belfast, BT12 6EQ.	Renewal	Mr James Maguire
Moneen(Formerly Solo) Petrol Station, 331-339 Finaghy Road North, Belfast, BT11 9EH.	Renewal	Mr Brendan Nugent, Andersonstown Services Ltd
Mount Merrion Service Station, The Creamery, 54 Rosetta Road, Belfast, BT6 0LT.	Renewal	Mr Feargal Woods, Woods Stores NI Ltd
Top Stewartstown Road, 140 Stewartstown Road, Belfast, BT11 9NB.	Grant	Mr Greg Murtagh, Top Stewartstown Road 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
Duncrue Crescent 45ft from junction with Duncrue Road, Belfast, BT3 9BW.	Stationary	Hot & cold food, hot & cold beverages	Sun – Sat: 07:00 – 17:00	Alfred Kemp

Location	Type of Application	Commodity	Hours Licensed	Applicant
Tomb Street	Stationary	Hot & cold food, hot & cold beverages	Sun – Sat: 22:00 – 03:00	Patrick McCafferty
Cupar Way, Belfast	Stationary	Books, leather goods, novelty items, souvenirs, stationary, jewellery	Sun: 10:00 – 16:00 Mon – Fri: 09:00 – 17:00 Sat: 08:00 – 16:00	Julie Davidson
Sliabh Dubh View, Belfast, BT12 7RS.	Stationary	Cigarettes, cold beverages, confectionary, groceries, smoking accessories	Sun – Sat: 08:00 – 22:00	Hugh McMahon
Shaw's Bridge roundabout, front of House of Sport, Upper Malone Road, BT9 5LA.	Temporary	Hot & cold food, cold beverages	12/07/2023 07:00 – 17:00	David Deacon
Lisburn Road outside 103 Lisburn Road.	Temporary	Clothing accessories, novelty items, souvenirs, toys	12/07/2023 07:00 – 19:00	Hollie Kerr
Shaftesbury Square at junction with Fulton Street.	Temporary	Clothing accessories, novelty items, souvenirs, toys	12/07/2023 07:00 – 19:00	Hollie Kerr
Shaw's Bridge Roundabout, House of Sport, Belfast.	Temporary	Novelty items, souvenirs, toys	12/07/2023 07:00 – 19:00	Jim Bell
Lisburn Road at junction with Bradbury Place/ Sandy Row out, Belfast, BT9.	Temporary	Hot & cold beverages, hot food	12/07/2023 08:00 – 20:00	Marion Dougan
14 Dublin Road, Outside Movie House Site, BT2 7HN.	Temporary	Clothing, novelty items, souvenirs, toys	12/07/2023 08:00 – 20:00	Muriel Gilliland
Lisburn Road, Outside Bradbury Clinic, Belfast, BT9 7AA.	Temporary	Clothing, novelty items, souvenirs, toys	12/07/2023 08:00 – 20:00	Muriel Gilliland
Lisburn Road near junction with Derryvolgie Avenue, Belfast, BT9.	Temporary	Novelty items, toys	12/07/2023 08:00 – 18:00	Nathan Johnston
Dublin Rd, Shaftsbury Sq, Bradbury Pl, Lisburn Rd, Balmoral, BT9.	Temporary Mobile	Novelty items, toys	12/07/2023 08:00 – 18:00	Nathan Johnston
Lisburn Road near junction with Edinburgh Street.	Temporary	Clothing accessories, novelty items, souvenirs, toys	12/07/2023 07:00 – 19:00	Raymond Coulter
793 Lisburn Road outside Warnocks, Belfast, BT9 7GX.	Temporary	Clothing accessories, novelty items, souvenirs, toys	12/07/2023 07:00 – 19:00	Robert Crooks

Location	Type of Application	Commodity	Hours Licensed	Applicant
Balmoral Avenue near junction with Lisburn Rd, Belfast, BT9.	Temporary	Clothing accessories, novelty items, souvenirs, toys	12/07/2023 07:00 – 19:00	Robert Crooks
Dublin Rd, Shaftsbury Sq, Bradbury Pl, Lisburn Rd, Balmoral, Belfast, BT9.	Temporary Mobile	Clothing accessories, novelty items, souvenirs, toys	12/07/2023 07:00 – 19:00	Robert Crooks
Custom House Square, Belfast, BT1 3ET.	Temporary	Clothing accessories, novelty items, souvenirs, toys	29/07/2023 11:00 – 18:00	Sean McDaid
Royal Avenue Junction with North Street, Belfast, BT1 1FE.	Temporary	Cold beverages, confectionary, ice cream	12/07/2023 08:30 – 19:00	Stephen Baxter
Shaw's Bridge roundabout on grass verge in front of House of Sport, Belfast, BT9 5LA.	Temporary	Hot & cold beverages, cold food, confectionary	12/07/2023 08:30 – 19:00	Stephen Baxter
Dublin Road opposite public toilets near Movie House, Belfast, BT2 7HN	Temporary	Hot & cold beverages, hot food	12/07/2023 07:30 – 19:00	Stephen Baxter (Candy floss)
Dublin Road opposite public toilets near Movie House, Belfast, BT2.	Temporary	Cold beverages, confectionary, ice cream	12/07/2023 08:30 – 19:00	Stephen Baxter (Ice cream Van)
Lisburn Road at the Junction with Lower Windsor Avenue.	Temporary	Hot & cold beverages, hot food	12/07/2023 08:00 – 19:00	Stephen Baxter

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
Circular Road	Street Party	24 June 2023 13:00 – 18:00	Clare Martin
Cross Parade	Street Party	04 June 2023 08:00 – 14:00	Martina Klapkova
Donegall Road	Community Event	11 July 2023 12:00 – 16:00	Jessica Spratt
Geneva Gardens	Street Party	Saturday 20 August 2023 14:00 – 19:00	Bernadette Bridges
Ormeau Embankment, Ravenhill Road, Albertbridge, Maysfield, Laganside Towpath, Ormeau Bridge	Road Race	Sunday 03 September 2023 14:00 – 16:00	Isaac McCollum

3.7 Under the terms of the Licensing of Pavement Cafés Act (Northern Ireland) 2014 the following Temporary Pavement Café Licences were issued since your last meeting.

		Premises and Location	Type of Application	Applicant
		Tortilla, Mayfair Buildings, 8 Arthur Square, Belfast	Grant	Louise McCabe
		Pizza Punks, 16-24 Waring Street, Belfast	Grant	Robert Lucy
		Muddlers Club, Unit 1, Warehouse Lane, Belfast	Grant	Gareth McCaughey
3.8	<u>Financial & Resource Implications</u>			
	None			
3.9	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>			
	There are no issues associated with this report.			



Subject:	Competing Stationary Street Trading Licence applications for Donegall Square East at Centra
Date:	16 August 2023
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
Contact Officer:	James Cunningham, Senior Licensing Officer, Ext. 3375

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

Call-in	
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 two separate and competing Street Trading Licence applications to trade at the designated site in Donegall Square East at Centra. The site is for night time use only.
1.2	Members are reminded that the normal process for dealing with competing Street Trading Licence applications is that the Service will bring the matter to your attention for consideration.
1.3	All the applications comply with the designating resolution for the site.
2.0	Recommendations
2.1	Based on the submissions presented and considering any amendments to the applications, the Committee is requested to consider each application in turn, taking into account Section 5 of the Street Trading Licensing Policy outlined in paragraph 3.5, and decide whether it is:

	<ol style="list-style-type: none"> 1. Minded to grant and approve the Licence to Mr Patrick McCafferty; or 2. Minded to grant and approve the Licence to Mr Christopher Hamill; or 3. Minded to grant and approve the Licence to one of the applicants with additional Conditions, and then; 4. Minded to refuse the Licence application under the discretionary grounds as outlined at paragraph 3.3 below, of the applicant who has not been granted a Licence.
2.2	When minded to refuse a Licence application, the applicant must be informed that they will be permitted to make representation regarding the refusal to the Council, with such representations to be made not less than 21 days from the date of notice.
2.3	As a consequence, the actual decision to grant and refuse the Licence will be considered at a meeting on a later date. There is a right of appeal to the Magistrate's Court against any refusal on these grounds.
3.0	Key Issues
3.1	The Street Trading Act (Northern Ireland) 2001 (the Act) places a statutory obligation on a district council to grant an application for a Street Trading Licence unless there are sufficient grounds to refuse it.
3.2	Section 8 of the Act sets out circumstances in which an application must be refused, however there are no such grounds of refusal applicable to these licence applications.
3.3	<p>Section 9 of the Act sets out discretionary grounds under which a district council may refuse to grant an application.</p> <p>a. That –</p> <ol style="list-style-type: none"> i. The location at which the applicant wishes to trade as a stationary trader is unsuitable; ii. The space in the designated street in which the applicant wishes to trade as a stationary trader is inadequate for the applicant to do so without causing undue interference or inconvenience to persons or vehicles using the street; iii. The area or areas of the district in which the applicant wishes to trade as a mobile trader are unsuitable for the applicant to do so without causing undue interference or inconvenience to persons or vehicles in the area or areas; iv. There are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade; v. The nature of the articles, things or services in which the applicant wishes to trade is such that their sale or supply, or their preparation for sale or supply, would adversely affect the general amenity of the area in which the applicant wishes to trade; <p>b. That the applicant has, in connection with the application, made a statement which he knows to be false in a material particular;</p> <p>c. That the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence;</p>

	<p>d. That the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;</p> <p>e. That the applicant has at any time been granted a street trading licence by the council, which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to the council in respect of the licence;</p> <p>f. That the applicant has failed to provide the particulars required by the council to deal with the application;</p> <p>g. That the applicant has failed to provide or identify suitable or adequate arrangements for storing any articles, things or receptacles in or with which he proposes to trade.</p>
3.4	There is a right of appeal to the Magistrate's Court against any refusal on these grounds.
3.5	Members are reminded that the Council, in March 2011, agreed an amended Street Trading Licensing Policy to allow for circumstances where there are two or more applications for the same designated pitch within the City. Attached as appendix 3.
3.6	<p>Section 5 of the Policy provides guidance on how to deal with competing licence applications and states that without prejudice to the discretionary grounds for refusing an application the Council may also take the following into account:</p> <ol style="list-style-type: none"> 1. The suitability of the application in the context of the area or street; 2. The suitability of allowing more than one application in the area or street; 3. The commodities or services which each applicant intends to sell or supply; 4. The merits of each application in the context of the character and appearance of the proposed area; 5. Whether a mobile trader/a number of mobile traders will affect the character and appearance of the proposed area; 6. Any potential adverse impact caused to the character and appearance of the proposed location by the application, by a mobile trader or by a number of mobile traders; 7. The extent to which the sale of the commodity will provide a useful service not otherwise provided in the area.
3.7	<u>Details of the competing applications</u>
3.8	Applicant 1
	Mr Patrick McCafferty has applied for the grant of a stationary street trading licence to sell hot food and non-alcoholic beverages from a hot food trailer measuring 4.2m by 2.4m. His proposed hours of operation are as follows:
3.9	<ul style="list-style-type: none"> Monday to Sunday from 10.00pm to 3.00am <p>Mr McCafferty is currently licensed to trade at night and has been trading at the designated site in Tomb Street since March 2022, selling hot food and non alcoholic beverages. This will be an additional trading site for Mr McCafferty. During routine inspection we have found Mr McCafferty has been trading without infringement of his licensing conditions.</p>

3.10	Mr McCafferty is registered with the Council's Environmental Health Food Safety and has a 5* Food Hygiene Rating.
3.11	<p>Mr McCafferty was asked to provide some additional information about his proposal. A brief synopsis of the information is below.</p> <ul style="list-style-type: none"> • If granted the licence for Donegall Square East it would be his intention to surrender the Licence for Tomb Street so as to concentrate his efforts on the Donegall Square East pitch. • He has worked throughout Ireland at a number of locations and at events including the National Trust at the Divis Blackmountain summer solstice event, and the Lammas Fair in Ballycastle. • He states he uses as much locally sourced products as he can and also uses environmentally friendly packaging. He offers products at affordable prices, through an extensive menu, (not just burgers) with vegan and vegetarian options. • Whilst trading in Tomb Street, he does a litter pick once an hour and at the end of every night's trading he makes sure all litter is lifted, this routine would continue if granted the pitch at Donegal Square East. • He has provided two photos of his trailer, 'The PattyWagon' and towing vehicle.
3.12	Applicant 2
3.13	<p>Mr Christopher Hamill has applied for the grant of a stationary street trading licence to sell hot food and non-alcoholic beverages from a hot food trailer measuring 4.8m by 1.8m. His proposed hours of operation are as follows:</p> <ul style="list-style-type: none"> • Monday to Sunday from 10.00pm to 4.00am
3.14	Mr Hamill is currently licensed to trade during the day and has been trading at the designated site in Balmoral Road outside 'The Range' since December 2018, selling hot food and non-alcoholic beverages. This will be an additional trading site for Mr Hamill.
3.15	During routine inspection we have found Mr Hamill has been trading without infringement of his licensing conditions. In April 2021, he was reminded about leaving his trailer on site after the hours of trading. He acknowledged the issue and resolved the matter.
3.16	Mr Hamill is registered with the Council's Environmental Health Food Safety and has a 5* Food Hygiene Rating.
3.17	<p>Mr Hamill was asked to provide some additional information about his proposal. A brief synopsis of the information is below.</p> <ul style="list-style-type: none"> • He informs us that has been operating a catering trailer for 12 years and therefore has experience and knowledge of running a successful site. The trailer that he will be using is a professionally built trailer which is clean and well presented and his staff are trained in food hygiene. • The general proposal will be hot food such as chips/burgers/chicken/etc. but other alternatives could be added to the menu if there is a demand for them. He will ensure that the site is cleared of litter each evening. There will be no problem in managing each of

	<p>the two sites as one is daytime and the other late nights. Staff are currently in place on the daytime site and would also be available to work some evenings.</p> <ul style="list-style-type: none"> • He has provided a photo of his trailer
3.18	<p><u>Consultation</u></p> <p>The PSNI and DfI Roads Service were consulted regarding this proposal as the site has been vacant for a number of years. Their responses are attached as Appendix 1.</p>
3.19	<p>Police Service of Northern Ireland</p> <p>The police have no objection.</p>
3.20	<p>DFI Roads</p> <p>The Department have no objection.</p>
3.21	
3.22	<p>The applicants have been invited to appear before Committee and make a brief presentation on matters such as how the business will be operated, the design of the trailer, how the commodities they propose to sell will add to the area and address any concerns with their proposals.</p>
3.23	<p>After considering representations from the applicants you will then be required to make a decision that you are minded to grant one of the applications and to refuse the other. Committee must give grounds as to why they are minded to refuse an application.</p>
3.24	<p>Committee is reminded that the applicants for the Licence whose application you are minded to refuse will be permitted to make written representation to the Council. As a consequence, the actual decision to grant and refuse the Licences will be considered at a meeting on a later date.</p> <p><u>Financial & Resource Implications</u></p> <p>If the Committee grants a Licence, the Stationary Street Trading Licence fee is as follows:</p> <ul style="list-style-type: none"> • Application Fee of £150, and • A Licence fee, for Monday to Sunday, of £1250 per annum. <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p>
3.25	<p>There are no issues associated with this report.</p>
4.0	Appendices – Documents Attached
	<ul style="list-style-type: none"> • Appendix 1 - PSNI and DfI Roads Service consultation response • Appendix 2 – Overview of applications • Appendix 3 - Street Trading Licensing Policy

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

melvilleN@belfastcity.gov.uk

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

Telephone: 0300 200 7893

Texphone: 028 9054 0022

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

Website: www.infrastructure-ni.gov.uk

Being Dealt With By: Stephen Andrews

Direct Line: [REDACTED]

Your Ref:

Our Ref: MT 146073-22

Date: 28 November 2022

Dear Mr Melville

APPLICATION FOR STATIONARY STREET TRADING LICENCE

OUR REF:	MT 146073-22
DATE RECEIVED:	10 October 2022
APPLICANT:	Mr Patrick McCafferty
LOCATION:	Donegall Square East, Belfast at Centra.
TRADING DATE:	2200 hrs – 0300 hrs Sunday to Saturday
OUR COMMENTS:	We have no objection to this application. However, any vehicle/stall must not be positioned in such a way as to compromise road safety or traffic progression; that trading is restricted to being conducted on the footway side of the vehicle/stall only; and that the consent holder must observe and comply with all relevant Traffic Regulation Orders.

Please contact me if you wish to discuss further.

Yours sincerely,

Stephen Andrews
Traffic Management 1



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

11th April 2023

Dear Neil

Name of applicant: Patrick McCafferty

Site/Route: Donegall Square East at Centra.

Please note that police are offering no objections to this stationary street trading licence application being further considered and managed by Belfast City Council. Please confirm how many designated pitches are approved in Donegall Square East, Belfast.

Police are unable to provide any comment on the applicant with only a name being provided.

If the licence is approved police would expect the applicant complies with the Street Trading Act (Northern Ireland) 2001 and the Road Traffic (Northern Ireland) Order 1981.

Forwarded for your attention.

Kind Regards

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

Donna Tolan
Licensing Officer, Musgrave Station, Belfast

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



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

melvilleN@belfastcity.gov.uk

Annex 7,
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BT4 3SQ

Telephone: 0300 200 7893

Texphone: 028 9054 0022

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

Website: www.infrastructure-ni.gov.uk

Being Dealt With By: Stephen Andrews

Direct Line: [REDACTED]

Your Ref:

Our Ref: MT 144589-22

Date: 17 November 2022

Dear Mr Melville

APPLICATION FOR STATIONARY STREET TRADING LICENCE

OUR REF:	MT 144589-22
DATE RECEIVED:	19 October 2022
APPLICANT:	Mr Christopher Hamill
LOCATION:	Donegall Square, Belfast at Centra.
TRADING DATE:	2200 hrs – 0400 hrs Monday to Sunday
OUR COMMENTS:	We have no objection to this application. However, any vehicle/stall must not be positioned in such a way as to compromise road safety or traffic progression; that trading is restricted to being conducted on the footway side of the vehicle/stall only; and that the consent holder must observe and comply with all relevant Traffic Regulation Orders.

Please contact me if you wish to discuss further.

Yours sincerely,

Stephen Andrews
Traffic Management 1



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

11th April 2023

Dear Neil

Name of applicant: Chris Hamill

Site/Route: Donegall Square East at Centra.

Please note that police are offering no objections to this stationary street trading licence application being further considered and managed by Belfast City Council. Please confirm how many designated pitches are approved in Donegall Square East, Belfast.

Police are unable to provide any comment on the applicant with only a name being provided.

If the licence is approved police would expect the applicant complies with the Street Trading Act (Northern Ireland) 2001 and the Road Traffic (Northern Ireland) Order 1981.

Forwarded for your attention.

Kind Regards

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

Donna Tolan
Licensing Officer, Musgrave Station, Belfast

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

Policy	Council comments	Mr McCafferty	Mr Hamill
<i>The suitability of the application in the context of the area or street;</i>	Site has had hot food sold there for a number of years using a hot food trailer.	Proposing to use a hot food trailer	Proposing to use a hot food trailer
<i>The suitability of allowing more than one application in the area or street;</i>	Only one site is designated.		
<i>The commodities or services which each applicant intends to sell or supply;</i>		Hot food with an extensive menu, (not just burgers) with vegan and vegetarian options.	Hot food such as chips, burgers, chicken other alternatives could be added to the menu if there is a demand for them
<i>The merits of each application in the context of the character and appearance of the proposed area;</i>	Site has had hot food sold there for a number of years using a hot food trailer.	Application is for a hot food trailer. Applicant provided photos of his trailer.	Application is for a hot food trailer. Applicant provided a photo of his trailer.
<i>Whether a mobile trader/a number of mobile traders will affect the character and appearance of the proposed area;</i>	<i>This is related to mobile licence, this is for Stationary Licence</i>	<i>Not applicable</i>	<i>Not applicable</i>
<i>Any potential adverse impact caused to the character and appearance of the proposed location by the application, by a mobile trader or by a number of mobile traders</i>	<i>This is related to mobile licence, this is for Stationary Licence</i>	<i>Not applicable</i>	<i>Not applicable</i>
<i>The extent to which the sale of the commodity will provide a useful service not otherwise provided in the area.</i>	Previous late night hot food street trader stopped trading in 2020		

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Appendix 3

Licensing Unit.	Procedure	ST Licence
Building Control Service	Page No.	1 of 5
Place and Economy Department	Edition/Issue No.	1/1
Street Trading Licensing Policy (March '11)	Issue Date	March 2011
	Reference:	Updated (Competing)
	Service:	Building Control

C O N T E N T S

	Page	Paragraph
Purpose	2	1
Scope	2	2
References	2	3
General Principles	2	4
Competing Applications	4	5

1 Purpose

By virtue of Section 5 of the Street Trading Act (Northern Ireland) 2001 the Council may grant to a person a Stationary or Mobile Licence authorising him to engage in Street Trading in a street or part thereof in its District.

The purpose of this Policy is to provide guidance on matters, which should be considered when deciding whether to grant to a person a Street Trading Licence. Its aim is to provide, insofar as is possible, consistent decision making so as to develop and thereafter maintain public confidence in Belfast City Council's performance of its duties.

2 Scope

This Policy is intended to ensure that Belfast City Council Members and Officers are aware of those matters to be taken into consideration when determining whether to grant a Stationary or Mobile Licence.

3 References

3.1 Street Trading Act (Northern Ireland) 2001.

3.2 Guide to the Street Trading Act (Northern Ireland) 2001.

4 General Principles

4.1 Each case must be considered on its own merits, but there are general principles that apply in all cases. The duty of Belfast City Council is to make sure that each Street Trading Licence application is fairly and objectively assessed and that all relevant factors are considered.

4.2 Belfast City Council may consult with -

- (a) The Police District Command Unit in which the streets are situated;
- (b) The Department for Infrastructure as regards that Department's functions with respect to roads and regulation of road traffic;

4.3 The Council may also consult other persons, as it considers appropriate. Such Consultees may include the following:

- (a) Belfast Chamber of Trade and Commerce.
- (b) Business Improvement District
- (c) Nearby Street Trading Licence holders who may be affected.
- (d) Business, commercial and residential premises in the vicinity of the trading area in respect of which the application has been received.
- (e) N.I. Ambulance Service and /or other Emergency Services
- (f) National Market Traders Federation

4.4 Without prejudice to its right to take account of any relevant consideration in determining the suitability of each Street Trading Licence, Belfast City Council may take into account:

- (a) The safety of the public and any risks which may arise.
- (b) The appropriateness and suitability of the area, street or part thereof and commodities in relation to the location.
- (c) The potential adverse impact that Street Trading may have upon the character and appearance of the area in question
- (d) The extent to which the sale of the commodity will provide a useful service to the event or occasion not otherwise provided in the area;
- (e) The potential environmental effects such as additional litter, cleansing requirements, odour and noise.
- (f) The potential for the proposed said Street Trading Licence to have an adverse effect in terms of anti-social behaviour and public disorder.
- (g) Any other Statutory provision, Code or Standard as appears to the Council to be material.
- (h) Previous complaints arising from any Street Trading activities in that area, street or part thereof.
- (i) The views, reports or opinions of such consultees as appear to the Council to be material.
- (j) The suitability of the applicant.

4.5 Belfast City Council will refuse an application under Section 5 of the Act (Mandatory grounds for refusing an application) if the applicant-

- (a) Is not an individual; or
- (b) Has not reached the upper limit of compulsory school age, within the meaning of Article 46 of the Education and Libraries (Northern Ireland) Order 1986 (NI 3).
- (c) If the applicant wishes to trade at a place where trading would contravene any statutory provision or rule of law.
- (d) In a street which is not a designated street;
- (e) In any article, thing or service the sale or supply of which would be contrary to the terms of any designating resolution having effect in relation to the designated street in which the applicant wishes to trade.

4.6 Belfast City Council may refuse an application under Section 5 of the Act (Discretionary grounds for refusing an application) if -

- (a) The location at which the applicant wishes to trade as a stationary trader is unsuitable;
- (b) The space in the designated street in which the applicant wishes to trade as a stationary trader is inadequate for the applicant to do so without causing undue interference or inconvenience to persons or vehicles using the street;
- (c) The area or areas of the district in which the applicant wishes to trade as a mobile trader are unsuitable for the applicant to do so without causing undue interference or inconvenience to persons or vehicles in the area or areas;
- (d) There are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade;
- (e) The nature of the articles, things or services in which the applicant wishes to trade is such that their sale or supply, or their preparation for sale or supply, would adversely affect the general amenity of the area in which the applicant wishes to trade;

- (f) That the applicant has, in connection with the application, made a statement which he knows to be false in a material particular;
 - (g) That the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence;
 - (h) That the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;
 - (i) That the applicant has at any time been granted a street trading licence by the council, which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to the council in respect of the licence;
 - (j) That the applicant has failed to provide the particulars required by the council to deal with the application;
 - (k) That the applicant has failed to provide or identify suitable or adequate arrangements for storing any articles, things or receptacles in or with which he proposes to trade.
- 4.7 If the Council considers that grounds for refusal exist under subsection (1) (d) of the Act, it may grant the applicant a licence subject to conditions which permit him-
- (a) To trade on fewer days or during a shorter period in each day than is specified in the application; or
 - (b) To trade in a different designated street or in a different area from that specified in the application.

5. Competing Applications

- 5.1 In the event that there are two or more applications for a licence in a designated site or there are multiple mobile licence applications for a similar geographical area within the City, each applicant will be invited to address the Licensing Committee by making a short presentation which may be followed by questions from Members (the presentation should include matters such as how the business will be operated, the design of the stall, how the commodities which are proposed to be sold will add to the area, etc. Where appropriate the applicant may also address any concerns or objections to their proposal).
- 5.2 In determining an application under this section, the Council may take into account any consideration which it deems appropriate and will take into account the discretionary grounds for refusal already detailed in paragraph 4.6.
- 5.3 Without prejudice to the above, the Council may also take the following into account:
- (a) The suitability of the application in the context of the area or street;
 - (b) The suitability of allowing more than one application in the area or street;
 - (c) The commodities or services which each applicant intends to sell or supply;
 - (d) The merits of each application in the context of the character and appearance of the proposed area;
 - (e) Whether a mobile trader/a number of mobile traders will affect the character and appearance of the proposed area;
 - (f) Any potential adverse impact caused to the character and appearance of the proposed location by the application, by a mobile trader or by a number of mobile traders;
 - (g) The extent to which the sale of the commodity will provide a useful service not otherwise provided in the area.

- 5.4 This policy may be considered, amended or replaced at any time without any further requirement to consult other parties.

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Subject:	Reconsideration of Designating Resolution for Street Trading Sites at Writers Square, Annadale Embankment and King Street
Date:	16 August 2023
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext 2435
Contact Officer:	James Cunningham, Senior Licensing Officer, Ext. 3375

Restricted Reports

Is this report restricted?

Yes

☐

No

☒

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Some time in the future

Never

☐
☐
☐
☐

Call-in

Is the decision eligible for Call-in?

Yes

☒

No

☐

1.0	Purpose of Report or Summary of main Issues
1.1	Under the provisions of the Street Trading Act (NI) 2001 a district council has powers to designate and rescind the designation of specific streets or parts of streets as being suitable for street trading. The Act also allows a council to vary a previous designating resolution in relation to the commodities or services to be supplied in specific streets.
1.2	If a street or the commodity to be offered has not been designated under the Act the Council cannot issue a licence for street trading from a stationary position in that street.
1.3	The process of considering and reviewing the designation of streets is therefore an essential part of the legal framework within which the Council is enabled to regulate street trading in the City.

1.4	Committee will recall that, at your meeting of 15 February this year, you granted approval to initiate the statutory process for the designation of 6 sites at Writers Square and 1 site at Annadale Embankment, which had been identified as a result of expressions of interest received from individuals wishing to trade from new sites. In addition, a previous decision by the Committee to refuse to designate a site in King Street is being reconsidered.
2.0	<u>Recommendations</u>
2.1	<p>Based on the information presented the Committee is requested to reconsider each proposal in turn (A-C below) and to:</p> <ol style="list-style-type: none"> 1. Approve a Designating Resolution to designate the whole street or part of the street (site/s), where it may allocate street trading pitches. The Designating Resolution will include the operational date and may stipulate either: <ul style="list-style-type: none"> • Only specified articles, things or services or classes of specified articles, things or services that may be sold or supplied; or • Specified articles, things or services or classes of specified articles, things or services that are prohibited. <p>OR</p> <ol style="list-style-type: none"> 2. Decide not to proceed with any or all of the proposals.
2.2	In addition to making any Designating Resolution, Members may, having considered all comments, record any reasonable conditions that should be applied to a subsequent licence. For example, these may include hours of trade, days of trade, duration of licence, etc.
2.3	Members are reminded that once the site becomes designated you will subsequently have to consider any applications that may be received for a Street Trading Licence on any of the sites.
2.4	At that time, you will assess the suitability and quality of the proposals and may decide to grant or refuse a licence within the requirements of the Act. Any Street Trading Licence granted may also be subject to reasonable conditions which can be used to control the commodities being sold, potential nuisance, etc.
3.0	Main report
	<u>Key Issues</u>
3.1	The designation process involved seeking comments from interested parties, including relevant statutory bodies, through public advertisement and consultation.
3.2	<p>The Street Trading Act (NI) 2001 requires the Council to ensure that each application is fairly and objectively assessed, that all relevant factors are considered and, in doing so, the Council must consult with the:</p> <ol style="list-style-type: none"> a) PSNI, and b) Department for Infrastructure - Roads.
3.3	The Council may also consult other persons as it considers appropriate. Such consultees may include local residents, business and commercial premises in the vicinity of the site in respect of which the application has been received.

3.4	The purpose of this report is to enable the Committee to consider the proposal in conjunction with the submissions received and make a decision on whether or not to designate the site.
3.5	Where appropriate, the commodities are also considered in addition to a synopsis of the comments received during the consultation period. Copies of all the responses are also attached to this report for your information as Appendix 1 and location maps at Appendix 2.
	A. <u>Writers Square (6 sites)</u>
3.6	The proposal is for Commodities to be determined.
3.7	The Department for Communities own the square and have made the proposal. Any subsequent applicant for a Street Trading Licence will first require agreement from the DfC to use the Square. DfC want to encourage a range of commodities such as arts and crafts, fresh food, hot and cold non – alcoholic beverages. There will be no late night trade.
3.8	DfC has discussed their proposal with Destination CQ Business Improvement District (BID) Board and it has their support.
	Police Service of Northern Ireland
3.9	Police have no objection and note that among the commodities being proposed are arts and crafts, fresh food, hot and cold non – alcoholic beverages and acknowledge that no night time hot food traders sites are being considered.
	DFI Roads
3.10	The Department have no objection to the proposal.
	Published 28 day Notice
3.11	No responses were received to the public notice.
	B. <u>Annadale Embankment in layby</u>
3.12	The proposal is for hot and cold non-alcoholic beverages, confectionery, ice cream and cold food or similar commodities.
	Police Service of Northern Ireland
3.13	Police have no objection and acknowledge that no night time hot food traders sites are being considered.
	DFI Roads
3.14	The Department have no objection to the proposal.
	Published 28 day Notice
3.15	No responses were received to the public notice.
	C. <u>King Street, second parking bay moving away from Castle Court.</u>
3.16	The proposal is for a site to trade in hot and cold food and non-alcoholic beverages at night time.
	<u>Background</u>
3.17	Committee will recall that they previously agreed to consider a request from Councillor McCusker that the Committee reconsiders their decision, of 10 March 2021, to refuse to designate a proposed new street trading site in King Street.

3.18	In seeking to have the decision of 10 March 2021 reconsidered Councillor McCusker had provided some additional information where the designation applicant had offered to provide security at the proposed trading site on the nights he would be operating.
3.19	Committee is reminded that, at your meeting on 10 March 2021, it was agreed that, based on the information presented, including concerns which had been raised by both the PSNI and Belfast City Centre Management, that the Committee refused the proposal for a site to trade in hot and cold food and non-alcoholic beverages at night-time, at the second parking bay, moving away from Castle Court, on King Street.
3.20	The minute of your meeting of 10 March 2021 is included as Appendix 3 to this report.
3.21	Members are reminded that the designation process is about the principle of a street trading pitch being at the location. Matters regarding the suitability of a particular person, the stall and the ability to manage the site are considered as part of the licensing process.
3.22	The person requesting a site to be designated, is merely a 'trigger' for the process and they may not be the person who is ultimately granted the Street Trading Licence to operate at the site. Members are reminded that on occasions the Committee has considered multiple competing licence applications for street trading sites.
3.23	<p>For Members information, the Council has previously considered a number of sites for the sale of hot food at night-time and determined that these sites will not be designated, including another site in King Street.</p> <ul style="list-style-type: none"> • King Street (outside number 50) • Franklin Street – forty-five feet from its junction with Brunswick Street • Dunbar Street – forty-five feet from its junction with Dunbar Link • Ormeau Avenue (outside numbers 17 and 19) • Ormeau Baths Gallery (grounds of), at its junction with Apsley Street • Arran Street at number 26 • Waring Street at number 23-31 • Gordon Street, at junction with Dunbar Street beside metal artwork • Bridge Street, in lay-by outside 12-16 Bridge Street • Donegall Street, in parking bay near the junction with Waring Street <p><u>Current consultation</u></p>
3.24	The Service has received responses to the re-consultation from the PSNI and DfI Roads.
3.25	<p>Police Service of Northern Ireland</p> <p>The police continue to have concerns about the potential for disorder in and around the immediate area of the proposed site location. There is the potential for crowds gathering and loitering in unmanaged queues possibly spilling out onto the main road or causing added anti-social behaviour.</p> <p>DFI Roads</p>
3.26	The Department have no objection to the proposal.
3.27	<p>Belfast City Centre Management</p> <p>BCCM had previously commented that King Street is already a busy location for vehicular traffic with a taxi depot and the West Belfast Taxi Association Terminal and Tourist Information Desk located here. BCCM believed the introduction of a hot/cold food stall to the area would encourage crowds to gather in the evening and this would pose a major health and safety concern for both pedestrian and vehicle traffic. BCCM's experience had shown</p>

	hot food stalls introduced to an area has resulted in an increased level of anti-social behaviour, particularly at night time, which is the proposed trading hours for this location.
3.28	No update was provided from BCCM, following the cessation of their core funding from the Department for Communities for the engagement and facilitation roles they had carried out in the city centre.
	Published 28 day Notice
3.29	No responses were received to the public notice.
	<u>Financial and Resource Implications</u>
3.30	The cost of all notices is included in current revenue budgets.
	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>
3.31	There are no issues associated with this report.
4.0	Appendices – Documents Attached
	<ul style="list-style-type: none"> • Appendix 1 – Copies of correspondence received. • Appendix 2 – Location maps. • Appendix 3 – Minute of Licensing Committee meeting of 10 March 2021.

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

25th June 2023

Dear Neil

Site/Route:

Designation of Annadale
Embankment in layby

Hot and cold non-alcoholic
beverages, confectionery, ice cream
and cold food or similar
commodities.

Please note that police are offering no objections to the proposed designation of the site being further considered and managed by DFI and Belfast City Council.

Police note that among the commodities being proposed are Hot and cold non-alcoholic beverages, confectionery, ice cream and cold food or similar commodities and acknowledge that no night time hot food traders sites are being considered.

If the licence is approved police would expect the applicants comply with the Street Trading Act (Northern Ireland) 2001 and the Road Traffic (Northern Ireland) Order 1981.

Forwarded for your attention.

Kind Regards

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

Donna Tolan
Licensing Officer, Musgrave Station, Belfast

Belfast City District Command

60 Victoria Street, Belfast, BT1 3GL

Tel: 028 90650222 Ext: 21812 Email: BelfastLicensing@psni.pnn.police.uk



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

19th June 2023

Dear Neil

Site/Route: Designation of 6 Street Trading sites at Writters Square

Please note that police are offering no objections to the proposed designation of 6 sites being further considered and managed by DFI and Belfast City Council.

Police note that among the commodities being proposed are arts and crafts, fresh food, hot and cold non – alcoholic beverages and acknowledge that no night time hot food traders sites are being considered.

If the licence is approved police would expect the applicants comply with the Street Trading Act (Northern Ireland) 2001 and the Road Traffic (Northern Ireland) Order 1981.

Forwarded for your attention.

Kind Regards

A handwritten signature in black ink, appearing to read 'DTolan', with a long horizontal stroke extending to the right.

Donna Tolan
Licensing Officer, Musgrave Station, Belfast

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



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

8th April 2023

Dear Sir

Statutory Consultation on the Designation of a Street Trading Pitch

Site Location: **King Street, second parking bay moving away
from Castle Court – Hot and Cold and non –
alcoholic beverages (night time)**

Please note that during further consideration to the designation of the above Street Trading Pitch, there are particular concerns from police reference the potential for disorder in and around the surrounding and immediate area of the proposed site location. There is the potential for crowds gathering and loitering in unmanaged queues possibly spilling out onto the main road or causing additional ASB, graffiti and rubbish in an area already of concern for police.

If the pitch is approved police would expect the applicant comply with the Street Trading Act (Northern Ireland) 2001.

Yours faithfully

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

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

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



Department for

Infrastructure

An Roinn

Bonneagair

www.infrastructure-ni.gov.uk

James Cunningham
Senior Licensing Officer
Belfast City Council
Ground Floor,
Cecil Ward Building
4 - 10 Linenhall Street
Belfast
BT2 8BP

cunninghamj@belfastcity.gov.uk

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

Telephone: 0300 200 7893

Texphone: 028 9054 0022

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

Website: www.infrastructure-ni.gov.uk

Being Dealt With By: Stephen Andrews

Direct Line: [REDACTED]

Your Ref:

Our Ref: MT 152897-23

Date: 04 May 2023

Dear Mr Cunningham

STREET TRADING DESIGNATION APPLICATION

OUR REF:	MT 152897-23
DATE RECEIVED:	14 April 2023
APPLICANT:	Belfast City Council
LOCATION:	Writers Square, Belfast & Annadale Embankment Layby, Belfast.
TRADING DATE:	Any-time
OUR COMMENTS:	We have no objection to this application. However, any vehicle/stall must not be positioned in such a way as to compromise road safety or traffic progression; that trading is restricted to being conducted on the footway side of the vehicle/stall only; and that the consent holder must observe and comply with all relevant Traffic Regulation Orders.

Please contact me if you wish to discuss further.

Yours sincerely,

Stephen Andrews
Traffic Management 1

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



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James Cunningham
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Telephone: 0300 200 7893

Texphone: 028 9054 0022

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

Website: www.infrastructure-ni.gov.uk

Being Dealt With By: Stephen Andrews

Direct Line: [REDACTED]

Your Ref:

Our Ref: MT 145988-22

Date: 02 December 2022

Dear Mr Cunningham

STREET TRADING DESIGNATION APPLICATION

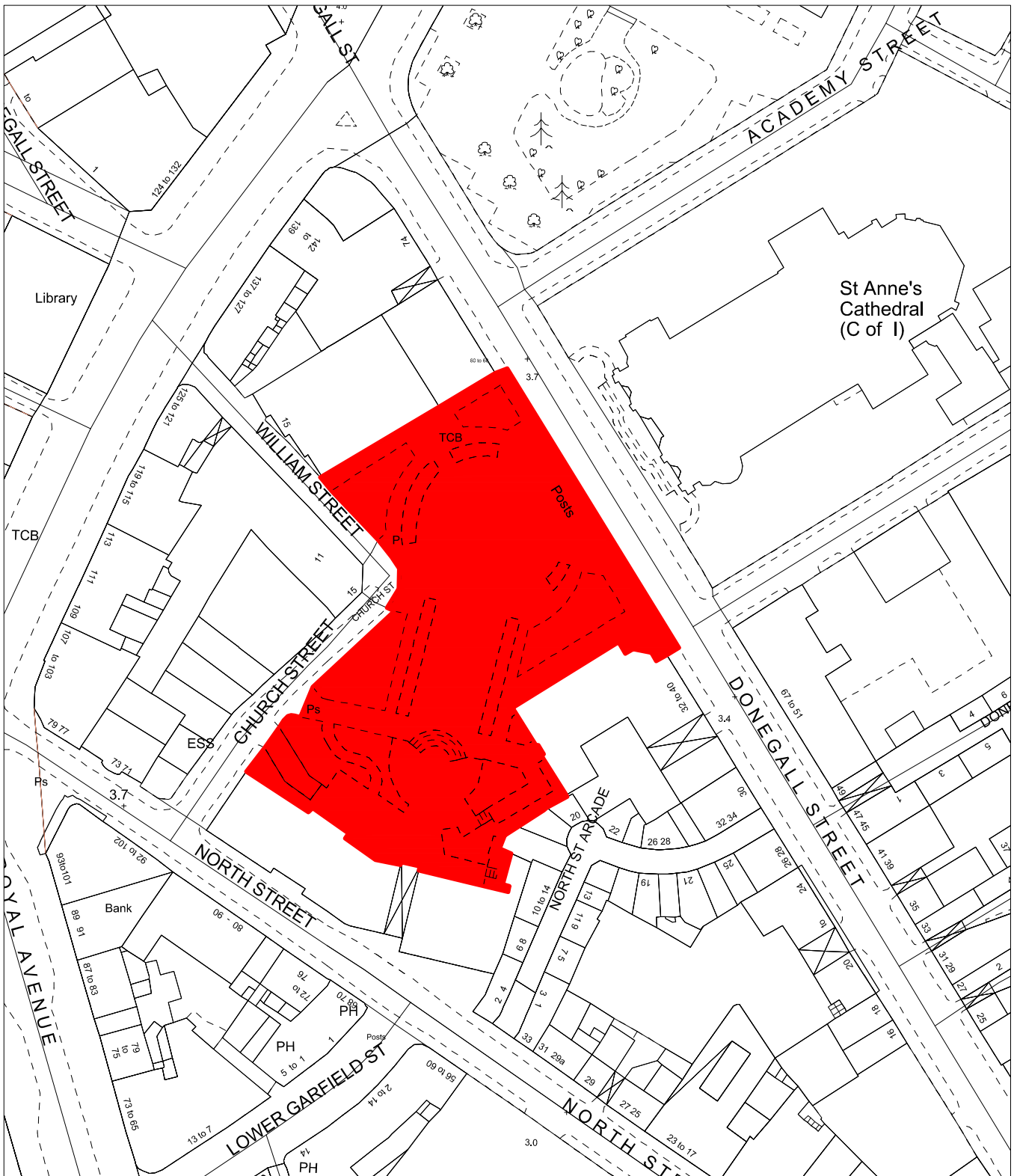
OUR REF:	MT 145988-22
DATE RECEIVED:	16 November 2022
APPLICANT:	Belfast City Council
LOCATION:	King Street, Belfast
TRADING DATE:	Night Time
OUR COMMENTS:	We have no objection to this application. However, any vehicle/stall must not be positioned in such a way as to compromise road safety or traffic progression; that trading is restricted to being conducted on the footway side of the vehicle/stall only; and that the consent holder must observe and comply with all relevant Traffic Regulation Orders.

Please contact me if you wish to discuss further.

Yours sincerely,

Stephen Andrews
Traffic Management 1

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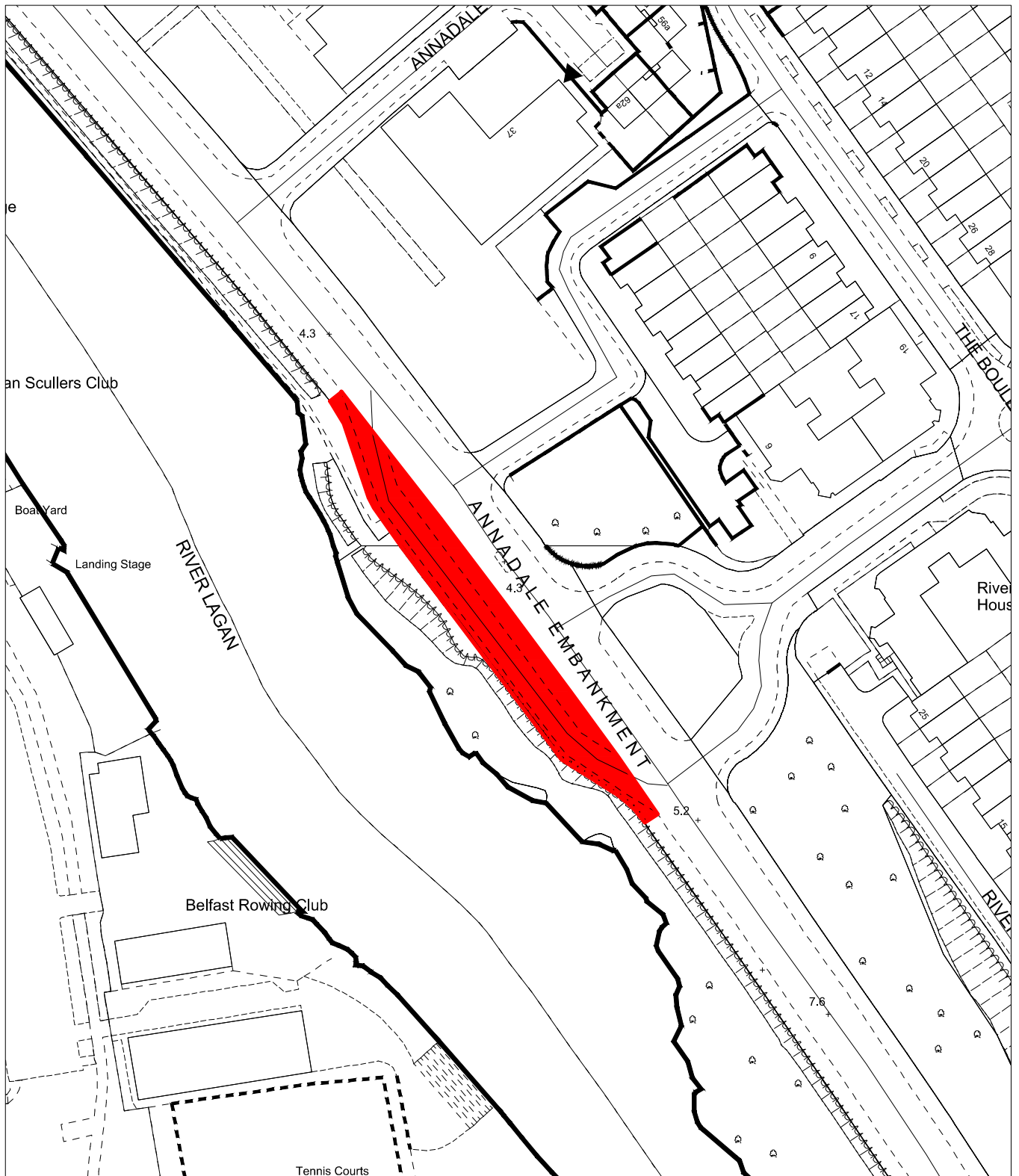


DRAWN BY **M Treacy**

DATE **14/02/2023**

Writers Square
Page 39

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DRAWN BY **M Treacy**

DATE **14/02/2023**

Annadale Embankment Layby
Page 40

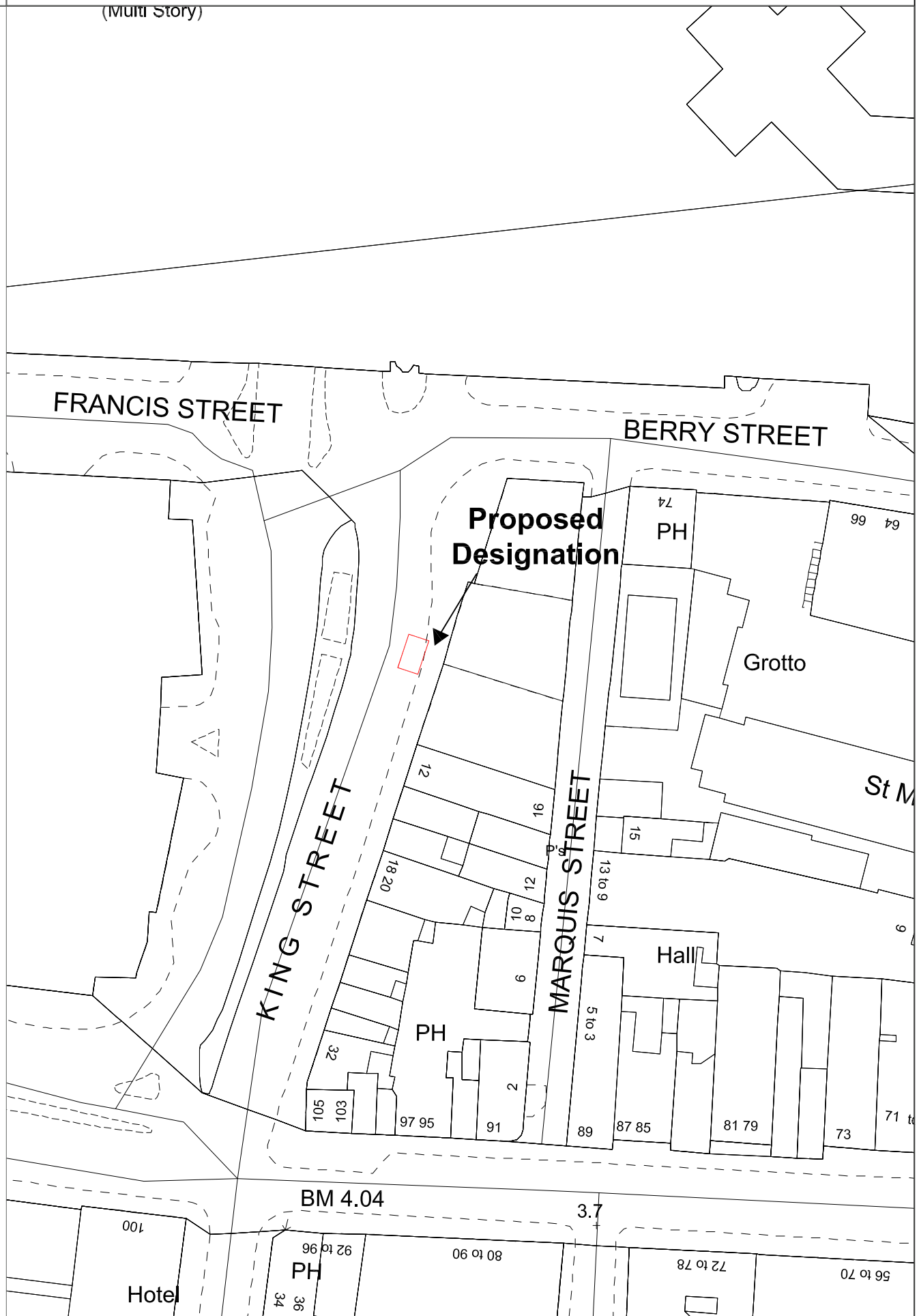
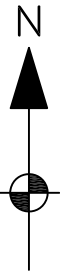
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Building Control Service

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(Multi Story)



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DATE 26/11/2020

Page 41
King Street

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Licensing Committee

Wednesday, 10th March, 2021

MEETING OF LICENSING COMMITTEE HELD REMOTELY VIA MICROSOFT TEAMS

Members present: Councillor Donnelly (Chairperson);
Alderman Sandford; and
Councillors Bradley, Bunting, Collins, Howard, Hussey,
M. Kelly, T. Kelly, Magee,
Magennis, McAteer, McCabe, McCullough,
McKeown, Nicholl and Smyth.

Also attended: Councillor Gormley.

In attendance: Mr. A. Thatcher, Director of Planning and Building Control;
Mr. S. Hewitt, Building Control Manager;
Mr. K. Bloomfield, HMO Unit Manager;
Ms. V. Donnelly, City Protection Manager;
Ms. N. Largey, Divisional Solicitor; and
Ms. C. Donnelly, Democratic Services Officer.

Apologies

Apologies were reported on behalf of Alderman Copeland and Councillor Hutchinson.

Minutes

The minutes of the meeting of 17th February were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 1st March, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

No declarations of interest were recorded.

Delegated Matters

THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE OF THE POWERS DELEGATED TO IT UNDER STANDING ORDER 37(d)

Consideration of Designating Resolutions for Street Trading Sites

The Building Control Manager reminded the Committee that, at its meeting of 18th November, approval had been granted to initiate the statutory process for the designation of seven new street trading sites across the City, which had been identified

as a result of internal application or expressions of interest received from individuals wishing to trade from new sites.

He reported that three of those sites were before the Committee for consideration and reminded the Members that, should a proposed site become designated, the Committee would further consider any subsequent applications received for a Street Trading Licence on any of the sites.

He advised that the designation process had involved seeking comments from interested parties and relevant statutory bodies, through public advertisement and consultation and that officers had consulted with the PSNI, Department for Infrastructure (Roads), Belfast City Centre Management Company for city centre sites, and local residents and businesses.

The Building Control Manager outlined the proposals, and highlighted comments which had been received from interested parties, for the following three sites:

- Castle Place, adjacent to an existing kiosk;
- 12 Lockview Road at Belfast Boat Club; and
- King Street, second parking bay moving away from Castle Court.

Based on the information presented, the Committee agreed to:

Approve the proposal for a site to trade in commodities to be determined, but excluding the sale of hot food at Castle Place, adjacent to an already existing kiosk; and

Approve the proposal for a site to trade in hot and cold non-alcoholic beverages, confectionary, ice cream and cold food or similar commodities at 12 Lockview Road, at Belfast Boat Club.

Proposal

Moved by Councillor Smyth,
Seconded by Councillor McCullough,

Based on the information presented, including concerns which had been raised by both the PSNI and Belfast City Centre Management, that the Committee refuses the proposal for a site to trade in hot and cold food and non-alcoholic beverages at night time, at the second parking bay, moving away from Castle Court, on King Street.

Following a vote, ten Members voted for the proposal and seven against and it was declared carried.

Houses in Multiple Occupation (HMO) Licenses **Issued Under Delegated Authority**

The Committee noted the applications that had been issued under the Scheme of Delegation.



Belfast
City Council

LICENSING COMMITTEE

Subject:	Application for the Grant of a 7-Day Annual Outdoor Entertainments Licence for The Topsy Bird, 96-100 Ann Street, Belfast, BT1 3HH
Date:	16 August 2023
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
Contact Officer:	Quintin Thompson, Senior Building Control Surveyor, Ext 2570

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

Call-in	
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:		
	Area and Location Topsy Bird (Brewers Yard) 96 – 100 Ann Street Belfast, BT1 3HH	Ref. No. WK/2022/00374	Applicant Mr Bobby Robertson, Glendola Leisure (Holdings) Limited. 364 High Street, Harlington, UB3 5LF
1.2	A location map is attached as Appendix 1		

2.0	Recommendations
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"> a) Approve the application for the grant of the 7-Day Annual Outdoor Entertainments Licence in the proposed area as requested, or b) Approve the application for the grant with special conditions, or c) Refuse the application for the grant of the 7-Day Annual Outdoor Entertainments Licence.
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>
3.0	Main report
	<p><u>Key Issues</u></p>
3.1	<p>The applicant has applied to provide musical entertainment in the form of live musical one or two person acts, within an outdoor area. The premises has an existing Indoor Entertainments Licence. The area is located to the rear of the venue and opens onto Princes Street.</p>
3.2	<p>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"> • Monday to Saturday 11.30am to 03.00am, and • Sunday 12.30pm to 03.00am.
3.3	<p>The days and hours proposed to provide entertainment within the outdoor area are:</p> <ul style="list-style-type: none"> • Friday 4:00 pm to 10.30pm • Saturday 2:00 pm to 8.30pm • Sunday 2:00 pm to 8.30pm
3.4	<p>A layout plan is attached as Appendix 2.</p>
3.5	<p>The maximum occupancy of the proposed outdoor area will be in the region of between 120 and 180 people. The exact figure will be determined when all technical matters related to the application are resolved to the satisfaction of the Service. Members are advised that the number of persons to be accommodated in the new outdoor area is included in the existing overall maximum occupancy of the indoor area of 430 persons; they are not in addition to this occupancy.</p>
3.6	<p>Members are reminded that all applications for the grant of Outdoor Entertainments Licences must be brought before Committee for consideration.</p>
	<p><u>Representations</u></p>
3.7	<p>An objection to the application was received. Further to negotiations between both parties a noise impact assessment was carried out by acoustic consultants acting on behalf of the applicant and the objector. The assessment identified that the limited noise levels had a</p>

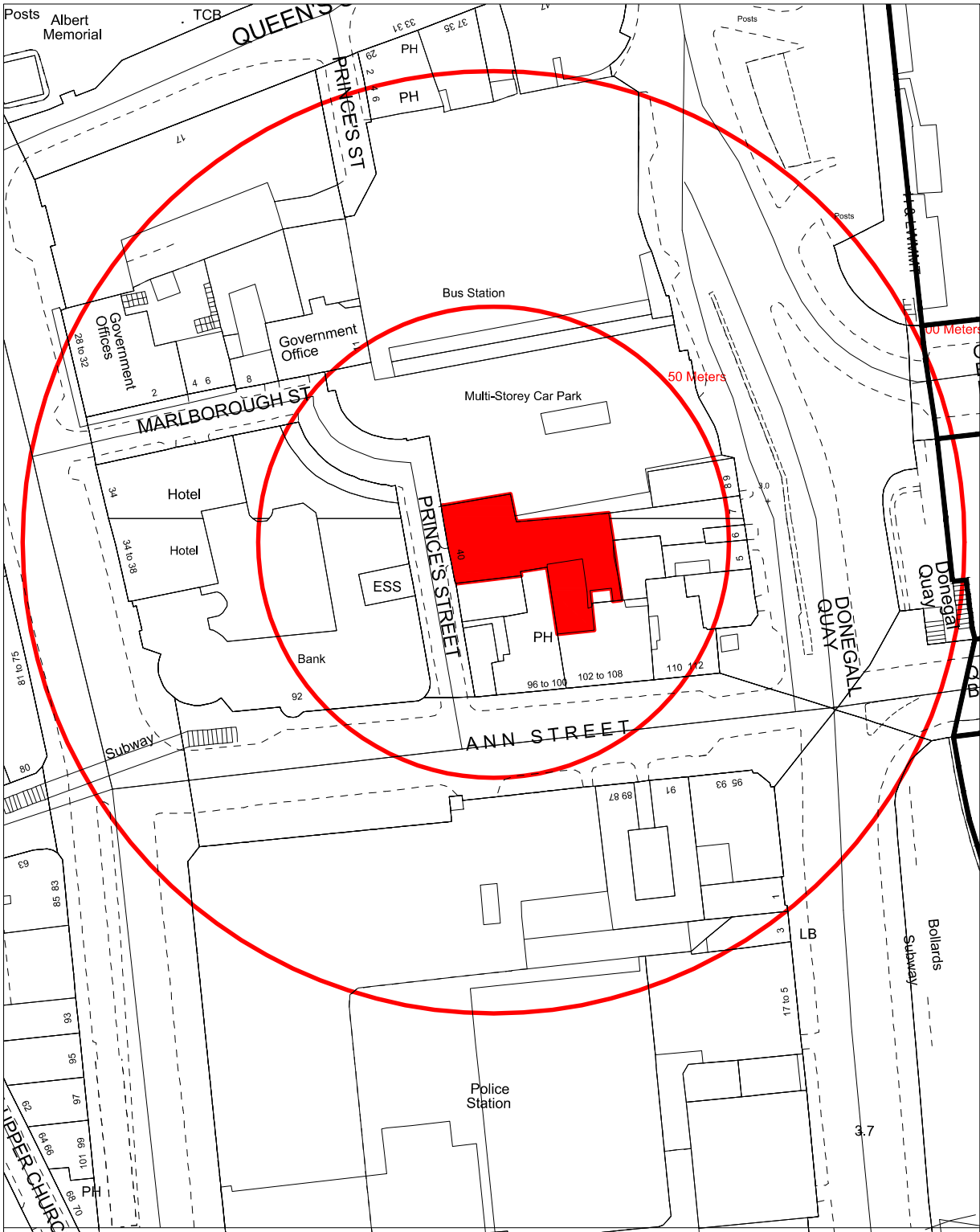
	minimal impact on the Translink Control Room and communication has now been received confirming that the objection has been withdrawn.
3.8	A copy of the email from Translink withdrawing their objection is included as appendix 3 to this report.
3.9	However, the objector has concerns that these noise tests were not carried out during a live performance with patrons present. The Objector has requested that a special condition is attached to the licence to ensure that if noise arising from live entertainment impacts on the Translink Control Room operations then further monitoring of the noise levels will be carried out by the Applicant to establish an acceptable noise level.
	<u>PSNI</u>
3.10	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.
3.11	A copy of their response is included as appendix 4 to this report.
	<u>NIFRS</u>
3.12	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.
	<u>Health, safety and welfare</u>
3.13	The premises have 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.
	<u>Noise</u>
3.14	The applicant has provided the Service with a noise impact assessment report from an acoustic consultant for the outdoor area. This has been provided to the Environmental Protection Unit for evaluation.
3.15	If Members are of the mind to grant the Outdoor Entertainments Licence, delegated authority is sought to attach any terms and conditions to the Licence regarding the management of noise. Such conditions will only be attached with the full agreement of the licensee.
	<u>Applicant</u>
3.16	The applicant, and/or their representative will be available at your meeting to answer any queries you may have in relation to the application.
4.0	Financial & Resource Implications
4.1	None
5.0	Equality or Good Relations Implications/Rural Needs Assessment
5.1	There are no issues associated with this report.
6.0	Appendices – Documents Attached

	<ul style="list-style-type: none">• Appendix 1 – Location map• Appendix 2 – Layout plan• Appendix 3 - A copy of the email from Translink• Appendix 4 – PSNI Comments
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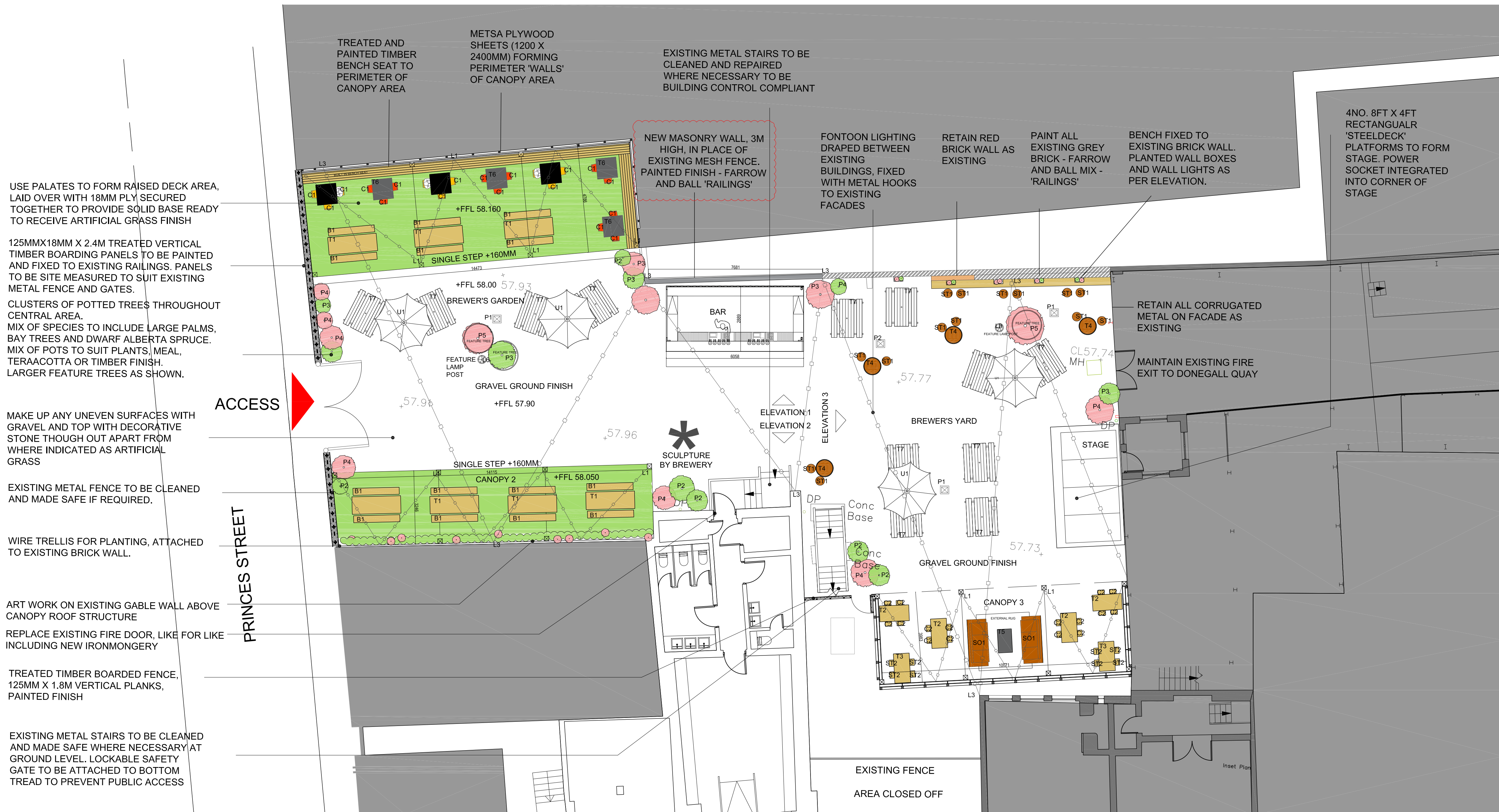


Building Control Service

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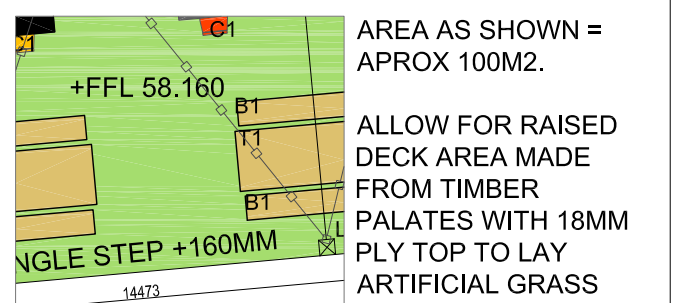
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FINISHES KEY

GROUND FINISHES

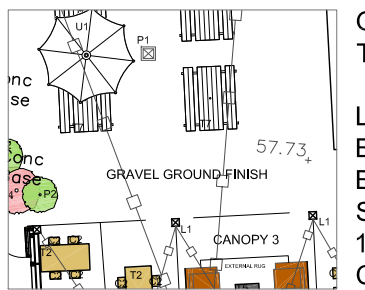
ARTIFICIAL GRASS



AREA AS SHOWN =
APPROX 100M2.

ALLOW FOR RAISED
DECK AREA MADE
FROM TIMBER
PALATES WITH 18MM
PLY TOP TO LAY
ARTIFICIAL GRASS

STONES/GRAVEL



GENERALLY
THROUGHOUT;

AY WEED
ARRIER/MEMBRANE
ELOW
STONE/GRAVEL;
0MM NATURAL BUFF
COLOUR.

AREA OF STONED
SURFACE = 450M2.

PROVIDE 50MM
COVERAGE
THROUGHOUT

NOTE:
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and proposals subject to full survey, detailed design development
and input from Building Services, Structural and Civil Engineers;
client, stakeholders, Planning Authorities and statutory consultees.

PROJECT NAME
TIPSY BIRD / BREWER'S YARD BEER GARDEN, BELFAST
DRAWING TITLE
PROPOSED GROUND FLOOR PLAN AND PRINCES STREET ELEVATION

PROJECT NUMBER 1497		DRAWING NUMBER 01 - 01		REVISION B	
DRAWN VC		CHECKED RJ		SCALE 1:100@A1	
PLANNING		B. CONTROL		DATE 09.07.2020	
		TENDER X		CONSTR.	

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ARCHITECTS
EST.1963

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84 - 94 GREAT PATRICK STREET
BELFAST, BT1 2LU

(028) 9024 8922
www.rmi.uk.com

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From: Phillip Woods [REDACTED]@Translink.co.uk>

Sent: 07 August 2023 15:58

To: Quintin Thompson <ThompsonQ@BelfastCity.gov.uk>

Cc: [REDACTED]@translink.co.uk>; [REDACTED]

[REDACTED]@translink.co.uk>; [REDACTED]@Translink.co.uk>; [REDACTED]

[REDACTED]@Translink.co.uk>

Subject: [EXTERNAL]RE: [EXTERNAL]RE: Brewers Yard

Hi Quintin,

Further to our conversation today, please see Translink's response below:

We wish to withdraw our objection to the entertainment licence application by Brewers Yard. However whilst we recognise the noise impact assessment carried out identified limited noise levels with a minimal impact on our Control Room operations we have concerns that these tests were not carried out in a live environment with patrons present. In recent weeks we have had to approach the Topsy Bird to ask them to reduce the music noise levels as it did have an impact on our operations. We wish to work with the Topsy Bird but would request that a condition be put into the licence that if noise levels are above a level that impacts on our Control Room operations then we can request further monitoring of the noise levels to be carried out with a view to reducing these to an acceptable level.

Happy to discuss or provide any further information if required.

Thanks,

Phillip

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

14th June 2022

Dear Mary

OUTDOOR ENTERTANMENT

The Topsy bird / Brewrers Yard, 90 - 100 Anne Street, Belfast

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

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

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

Kind Regards

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

Donna Tolan
Licensing Officer, Musgrave Station, Belfast

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Subject:	Consideration of an objection to an application for the renewal of an Entertainments Licence for The Suffolk Inn
Date:	16 August 2023
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
Contact Officer:	Fiona Millen, Building Control Surveyor, Ext. 2572

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

Call-in	
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 7-Day Annual Indoor Entertainments Licence for The Suffolk Inn based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind. They are also licensed for any public contest e.g., pool or snooker competitions, and for the playing of pool, snooker, etc.		
1.2	Area and Location The Suffolk Inn, 12 -14 Suffolk Road, Belfast, BT11 9PB	Ref. No. WK/2020/02218	Applicant Mr Tony Clarke, The Suffolk Inn Ltd, 53 Andersonstown Road, Belfast, BT11 9AG

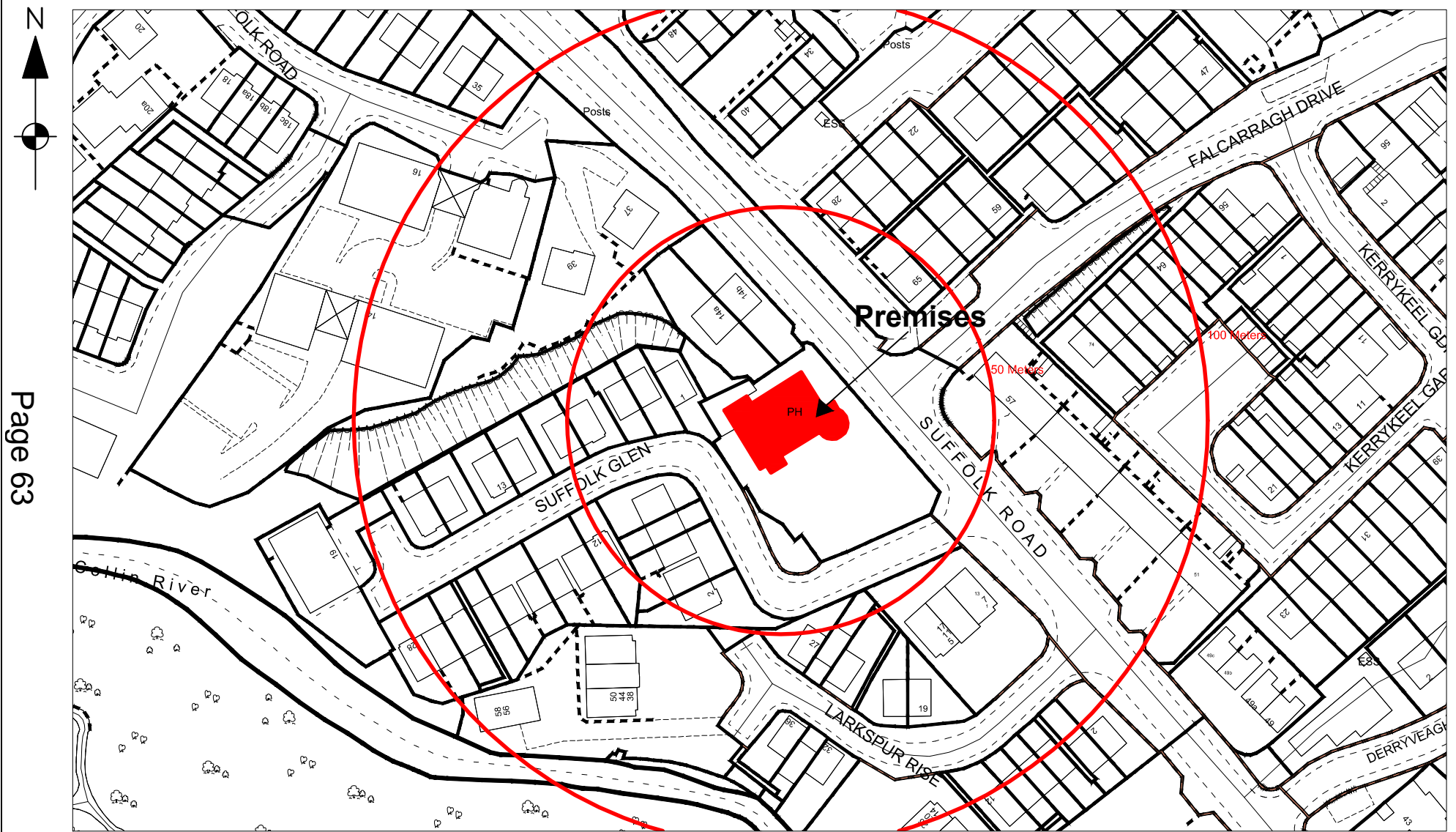
1.3	A location map of the premises is attached as Appendix 1.
2.0	Recommendations
2.1	<p>Considering the information presented and representations received in respect of the application you are required to make a decision to either:</p> <ol style="list-style-type: none"> 1. Approve the application for the renewal of the 7-Day Annual Entertainments Licence, or 2. Approve the application for the renewal of the 7-Day Annual Entertainments Licence with special conditions, or 3. Refuse the application for the renewal of the 7-Day Annual Entertainments Licence.
2.2	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.
3.0	Main report
	<p><u>Key Issues</u></p> <p>3.1 One objection has been received from a resident living near the premises. The nature of their objection relates to the following:</p> <ul style="list-style-type: none"> • Unacceptable levels of noise from patrons. • Antisocial behaviour by patrons of premises. <p>3.2 A copy of the objection is attached as Appendix 2.</p> <p><u>Liaison meetings</u></p> <p>3.3 Following receipt of the objection the Service tried to facilitate liaison meetings between all parties involved to discuss the resident's issues and attempt to resolve them.</p> <p>3.4 Attempts to hold a meeting either online or in person proved unsuccessful. However, the resident still wish to pursue the objection.</p> <p>3.5 As required by the Committee Protocol the applicant and the objector were requested to provide their representation in advance of the meeting for consideration.</p> <p><u>Objectors Representation</u></p> <p>3.6 The objector Representation Form is attached in Appendix 3 and this has been provided to the applicant, as required by the protocol.</p> <p>3.7 In general, the representations relate to concerns as follows:</p> <ul style="list-style-type: none"> • persistent, loud and unsociable noise from private events such as DJs, singers and private parties • subsequent issues that come from private events being held as the noise is often not regulated • significant anxiety and tension it causes within the local surrounding area.

	<ul style="list-style-type: none"> residents are anxious every weekend that their property will be damaged and especially concerned about the quality of sleep and wellbeing they will lack.
3.8	<p>The objector has been invited to attend your meeting to discuss any matters relating to the objections should they arise.</p> <p><u>Applicants Representation</u></p>
3.9	<p>The applicant has provided their Representation Form, as required by the Protocol, and a copy of their response is attached as Appendix 4. The applicant has highlighted the measures which have been undertaken to try and address residents' concerns.</p>
3.10	<p>The applicants Representation Form has also been provided to the objectors, as required by the protocol.</p>
3.11	<p>A summary of the applicant's representation is as follows:</p> <ul style="list-style-type: none"> Shutters down at 11pm to minimise noise Door staff to control two doors to ensure doors were not propped opened and trained/spoke to staff to watch out for this Drink must be left in the hallway/table when going outside to reduce people standing outside when smoking Approached a local taxi firm to make taxis available at the end of the night Conversations with DJ about the volume of music. Moved speakers to point inwards to the hall. <p><u>Counter representations</u></p>
3.12	<p>In response to the Representation Form submitted by the applicant, the objector has advised NTNT have witnessed noise, the proposed amendments are not adhered to, there is broken glass in the street and windows are kept open during the summer.</p>
3.13	<p>No counter representation from the applicant has been received.</p>
3.14	<p>The applicant and/or their representatives will be available at your meeting to answer any queries you may have in relation to the application.</p> <p><u>Details of the Premises</u></p>
3.15	<p>The areas licensed to provide entertainment are the:</p> <ul style="list-style-type: none"> Ground Floor Lounge with a maximum capacity of 220 persons First Floor Lounge with a maximum capacity of 240 persons.
3.16	<p>The days and hours entertainment can be provided are:</p> <ul style="list-style-type: none"> Monday to Saturday: 11.30 am to 2.00 am the following morning and, Sunday: 12.30 pm to midnight. <p><u>PSNI</u></p>
3.17	<p>The PSNI have been consulted and attended a joint meeting with the Licensee and Council Officers in relation to the application and confirmed that they have no objection to it. This response is contained within Appendix 5.</p>

	<p><u>NIFRS</u></p>
3.18	The Northern Ireland Fire Rescue Service were consulted in relation to the application and have advised they have no objection to it. However following a site visit in January 2022 they did make verbal recommendation regarding a reduction in numbers in the first floor due to management of the premises, this matter continues to be ongoing but will be resolved prior to the renewal of the current application.
3.19	A copy of this email is included as Appendix 6
	<p><u>Health, safety and enforcement inspections</u></p>
3.20	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><u>Noise issues</u></p>
3.21	Nine noise complaints have been received by the Night Time Noise Team (NTNT) since the renewal application was made in November 2021. When responding to the complaints and attending the area, Officers of the Noise Team have witnessed faint music and patron voices and antisocial behaviour.
3.22	On two of the occasions, Officers of the Noise Team witnessed excessive noise levels that warranted action.
3.23	On 12 th February 2022 Night-Time Noise Team (NTNT) witnessed audible music from open doors and very loud bass beat music. They spoke to the Duty Manager to lower the music and close the doors.
3.24	On 24 th July 2022 NTNT issued a verbal warning to the manager after attending the premises following three separate reports of noise. NTNT witnessed loud music to the ground and 1 st floor, 1 st floor windows all open and noise was escaping through the opened front doors as patrons were leaving.
3.25	There is a special condition attached to the premises when entertainment is being provided that all openable windows remain fixed shut.
3.26	The applicant has provided an acoustic report as requested by the Service. A copy of this has been forwarded to Environmental Protection Unit.
3.27	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.
	<p><u>Financial and Resource Implications</u></p>
3.28	Officers carry out monitoring inspections on premises receiving complaints, but this is catered for within existing budgets.
	<p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p>
3.29	There are no issues associated with this report.

4.0	Appendices – Documents Attached
	<ul style="list-style-type: none"> • Appendix 1 – Location Map • Appendix 2 – Copy of Objection email • Appendix 3 – Objectors Representation Forms • Appendix 4 – Applicant's Representation Form • Appendix 5 – PSNI Comments • Appendix 6 – NIFRS Comments

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DATE	04/01/2023		

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Dear Mary

[illegible]

[REDACTED]
[REDACTED]
[REDACTED]

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

Please confirm that all BCC requirements and conditions have been adhered to. Also that all current COVID – 19 Regulations and Guidance will be strictly adhered to, implemented and enforced by the licence holder.

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

Kind Regards



Donna Tolan
Licensing Officer, Musgrave Station, Belfast

From: Doyle, Stephen [REDACTED]
Sent: 20 October 2022 11:44
To: Mary Treacy
Subject: [EXTERNAL]Query List

Follow Up Flag: Follow up
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Hi Mary

Just confirming that NIFRS have no objections to the below applications

- [REDACTED]
- Suffolk Inn
- [REDACTED]

Kind Regards



Stephen Doyle
Station Commander (Prevention & Protection)
NIFRS | Eastern Area Command
T 028 90 310360 Ext: 246



Our Values

Community | Integrity | Improvement | Respect

Together we can STOP Fire

Smoke alarms | Test alarms weekly | Obvious dangers | Plan your escape

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Belfast
City Council

LICENSING COMMITTEE

Subject:	Application for the Grant of a 7-Day Annual Outdoor Entertainments Licence for Holy Cross Boys Pitch, Butlers Walk, Belfast, BT14 7BZ
Date:	16 August 2023
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
Contact Officer:	Fiona Millen, Building Control Surveyor, Ext 2572

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

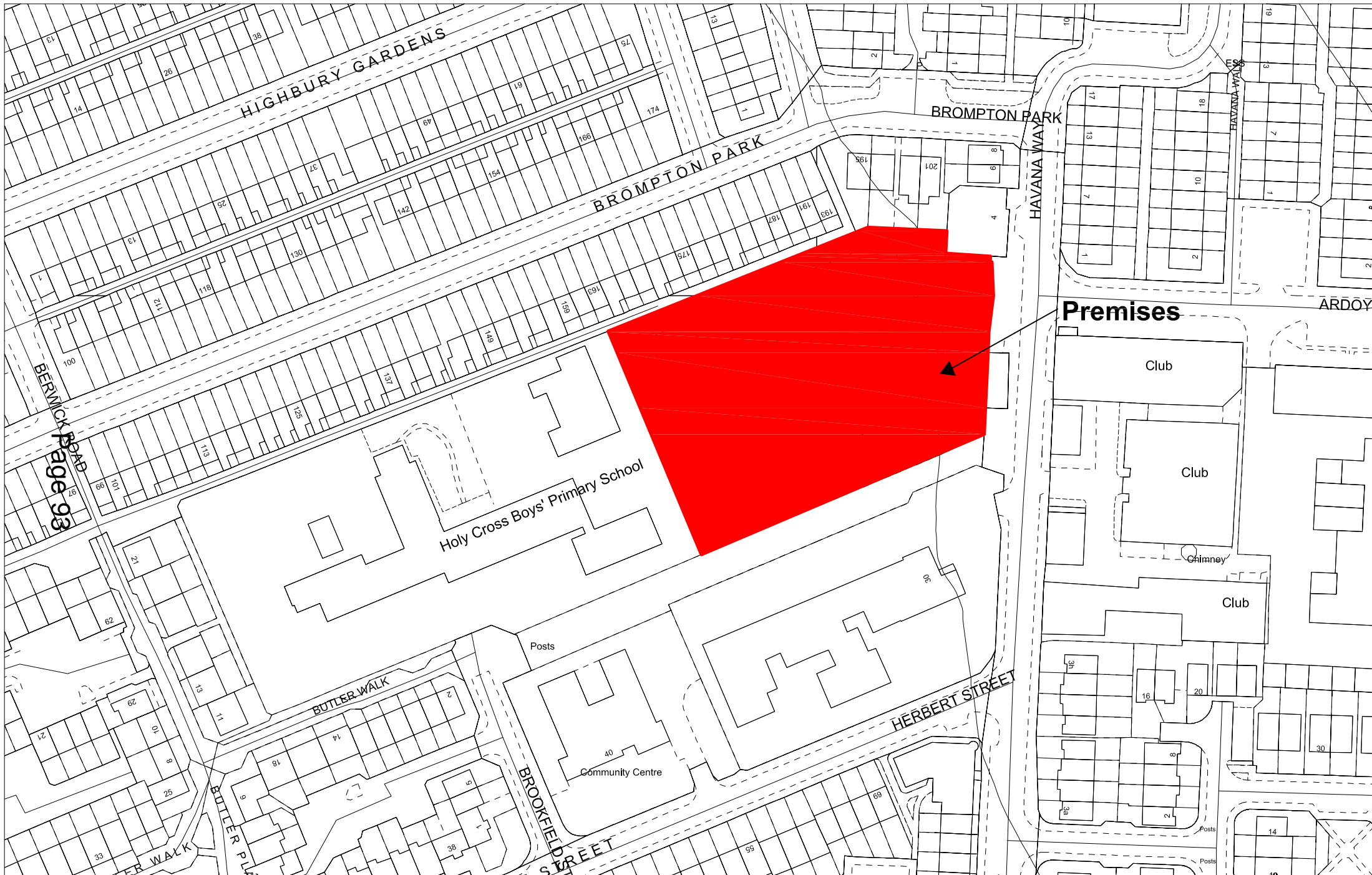
Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

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.		
	Area and Location	Ref. No.	Applicant
	Holy Cross Boys Pitch, Butlers Walk, Belfast, BT14 7NY	WK/2022/02300	Paul McCusker
1.2	A location map is attached as Appendix 1		

2.0	Recommendations
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"> a) Approve the application for the Grant of the 7-Day Annual Outdoor Entertainments Licence, or b) Approve the application for the Grant with special conditions, or c) Refuse the application for the Grant of the 7-Day Annual Outdoor Entertainments Licence.
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>
3.0	Main report
	<p><u>Key Issues</u></p> <p>3.1 Members are advised that a 7-Day Annual Outdoor Entertainments Licence and a 14-Day Occasional Indoor Licence for a Marquee has been granted by Committee in previous years for this event but there is no current licence in force for the events planned this year.</p> <p>3.2 The applicant has applied to provide outdoor entertainment in the form of live music on the school playing pitch at Butlers Walk for Ardbone Community Festival running from 25 – 27 August 2023.</p> <p>3.3 The standard days and hours during which entertainment may be provided for outdoor events is Monday to Sunday from 11.30am to 11.00pm.</p> <p>3.4 In addition, Special Conditions are attached to Outdoor Entertainments Licences related to setting limits on maximum numbers and implementing a robust system of dealing with complaints.</p> <p>3.5 The applicant proposes to provide entertainment in the form of a DJ for a paint party for young people on Friday 25 August, a dance event on Saturday 26 August and a traditional Irish event on Sunday 27 August.</p> <p>3.6 Members are reminded that all applications for the Grant of Outdoor Entertainments Licences must be brought before Committee for consideration.</p> <p><u>Representations</u></p> <p>3.7 Whilst public notice of the application has been placed in the press the date of the advertisement is such that the 28-day statutory period during which representations to the application may be made will not expire until 18 August, 2 days after your Committee meeting.</p> <p>3.8 At the time of writing this report no representations have been received to the application.</p> <p>3.9 Should Members be minded to grant the Outdoor Entertainments Licence it is suggested that this be subject to the proviso that no representations are received within the 28 statutory period to the application.</p>

3.10	<p><u>PSNI</u></p> <p>The Police Service of Northern Ireland have been consulted in relation to the application. At the time of writing this report the Service have not received a response. An update will be provided for Committee at your meeting.</p>
3.11	<p><u>NIFRS</u></p> <p>The Northern Ireland Fire and Rescue Service have been consulted in relation to the application and have no objection.</p>
3.12	<p><u>Health, safety and welfare</u></p> <p>Officers from the Service will engage with the applicant and event organisers in the lead up to events to ensure all documentation and technical information is in place.</p>
3.13	<p>Additionally, officers will inspect the site during the build of the event space and following its completion to ensure they are satisfied all safety and management procedures are in place.</p>
3.14	<p>If the Committee is minded to grant the Outdoor Entertainments Licence, it will not be issued until such time as all technical requirements are completed to the satisfaction of the Service.</p>
	<p><u>Noise</u></p>
3.15	<p>The applicant has been requested to provide the Service with an acoustic report for the event. When received, it will be provided to the Environmental Protection Unit (EPU) for evaluation.</p>
3.16	<p>When a report has been developed for the event, it will be considered by Officers to ensure the technical requirements are in accordance with all relevant legislation and guidance. The noise mitigation strategy must demonstrate that noise from the event will not cause unreasonable disturbance to commercial and residential premises.</p>
3.17	<p>The organisers will be required to produce a suitable resident's notification letter and we will agree the extent of its distribution prior to the event taking place.</p>
3.18	<p><u>Applicant</u></p> <p>The applicant, and/or their representatives, will be available at your meeting to answer any queries you may have in relation to the application.</p>
4.0	<p>Financial & Resource Implications</p> <p>None</p>
5.0	<p>Equality or Good Relations Implications/Rural Needs Assessment</p> <p>None</p>
6.0	<p>Appendices – Documents Attached</p>
	<ul style="list-style-type: none"> Appendix 1 – Location map

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Building Control Service

Refused Mapping Data v3.0
Prepared by L.B.
Based upon the Ordnance Survey
of Northern Ireland map with the
permission of the Director & Chief Executive.
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DRAWN BY TreacyM DATE 09/06/2021

HOLY CROSS BOYS PITCH

Flax Street

SCALE 1:1250 @ A4

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of the Local Government Act (Northern Ireland) 2014.

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Licensing Committee

Wednesday, 16th November, 2022

MEETING OF THE LICENSING COMMITTEE

**HELD IN THE COUNCIL CHAMBER AND
REMOTELY VIA MICROSOFT TEAMS**

- Members present:** Councillor Matt Collins (Chairperson); and
Councillors Canavan, Gormley, Howard,
M. Kelly, T. Kelly, Magee, McAteer, McCann,
McCoubrey, McCullough, McCusker, McKeown,
Murray, Nelson, Smyth and Thompson.
- In attendance:** Ms. K. Bentley, Director of Planning and Building Control;
Ms. N. Largey, Interim City Solicitor/Director of Legal and
Civic Services;
Mr. S. Hewitt, Building Control Manager;
Mr. K. Bloomfield, HMO Unit Manager;
Ms. U. McMullan, Solicitor;
Ms. L. Hillis, Principal Building Control Surveyor;
Ms. M. Gallagher, Senior Building Control Surveyor;
Mr. J. Cunningham, Senior Licensing Officer;
Mr. D. McCampbell, Lead Building Control Surveyor;
Ms. C. Reynolds, Director, City Regeneration and
Development
Ms. V. Smyth, Democratic Services Officer;
Mr. H. Downey, Democratic Services Officer; and
Ms. C. Donnelly, Democratic Services Officer.

Apologies

Apologies for inability to attend were reported on behalf of Alderman Sandford.

Minutes

The minutes of the meeting of 19th October were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 1st November, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

Councillor McKeown declared an interest in the review of Pavement Café Licence for City Picnic, Fountain Street (item 2h) in that he had advocated on their behalf to find a resolution in correspondence to the Department for Infrastructure (DfI). He left the meeting while the matter was being discussed.

Councillor McCullough declared an interest in the Application for the Grant of a Seven-day Annual Outdoor Entertainments Licence for Grove Park, Jellicoe Avenue (Item 2d). He left the meeting while the matter was being discussed.

The Interim City Solicitor/Director of Legal Civic Services declared a conflict of interest in item 2(d) Application for the Renewal of a Seven-Day Annual Indoor Entertainments Licence – St. Malachy's College Old Boys' Association, 442 Antrim Road in that she knew one of the applicants. She left the meeting whilst the matter was being discussed.

Delegated Matters

**THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE
OF THE POWERS DELEGATED TO IT UNDER STANDING ORDER 37(d)**

HMO Licences Issued Under Delegated Authority

The Committee noted a list of licences for Houses in Multiple Occupation which had, since its last meeting, been issued under the Council's Scheme of Delegation.

**Application for a New Licence to operate a House of
Multiple Occupation - 30 Eblana Street**

The HMO Unit Manager submitted for the Committee's consideration an application for a Licence permitting the use of premises as a House in Multiple Occupation (HMO).

"1.0 Purpose of Report/Summary of Main Issues

- 1.1 To consider an application for a Licence permitting the use of premises as a House in Multiple Occupation (HMO).**

Premises	Application No.	Applicant(s)	Managing Agents
30 Eblana Street, Belfast, BT7 1LD	9399	Mr Enda Hughes	Boyle Properties

Members are reminded that licences are issued for a 5-year period with standard conditions. Where it is considered necessary to do so, the Committee can also impose special conditions.

Background

- 1.2 An individual purporting to be the owner of the accommodation submitted an HMO licence application on 22nd August, 2019 and an HMO licence was granted to that individual on 30th December, 2019.**
- 1.3 However, following an application to vary the managing agent of the property, officers established that the individual to**

whom the licence was granted was not, in fact, the legal owner of the property. Instead, he was one of two directors of a limited company who actually owned the property. Members will be aware that a limited company is a separate legal entity.

- 1.4 Officers sought and obtained advice from Counsel on the validity of the licence and legal services advised that section 8(1) of the 2016 Act clearly requires that the *owner* of the accommodation must apply for a licence, which was not the case here. Therefore, officers held that the misrepresentations made by the abovementioned individual regarding the ownership of the property, invalidated the licence meaning it no longer had effect. The NIHMO Unit emailed the individual advising him of the Council's decision on 26th July, 2022.
- 1.5 On 23rd June 2022, the applicant, Mr. Hughes, submitted an application for a new HMO licence (He was a prospective purchaser of the property at the time).
- 1.6 The sale of the property was completed on 28th July, 2022.
- 1.7 Therefore, given that there was no valid licence in place when the applicant's purchase of the property completed, the applicant could not avail of section 28 of the 2016 Act.
- 1.8 Had the licence remained in effect and, whilst still being an application for a new licence, with overprovision being taken into account (as indeed it must be), the Council would not have deemed granting this application to result in overprovision, given that it would effectively have been a transfer of an existing licence.
- 2.0 Recommendations
- 2.1 Taking into account the information presented Committee is asked to hear from the Applicant and make a decision to either:
 - (i) grant the application, with or without any special conditions; or
 - (ii) refuse the application.
- 2.2 If the application is refused, the applicants have a right of appeal to the County Court. Such an appeal must be lodged within 28 days of formal notification of the decision.

3.0 Main Report

Key Issues

3.1 Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that:

- a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control;
- b) the owner, and any managing agent of it, are fit and proper persons;
- c) the proposed management arrangements are satisfactory);
- d) the granting of the licence will not result in overprovision of HMOs in the locality;
- e) the living accommodation is fit for human habitation and:
 - (i) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or
 - (ii) can be made so suitable by including conditions in the licence.

Planning

3.2 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 in May, 2022 with the planning reference LA04/2022/0558/LDE.

Fitness

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 The NIHMO Unit has consulted with the following units within the Council's City and Neighbourhood Services Department –

- (a) Environmental Protection Unit ('EPU') – it has confirmed that in relation to night-time noise there

has been no relevant enforcement action required in respect of the HMO in the last 5 years,

- (b) Environmental Protection Unit ('EPU') – it has confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,
- (c) Public Health and Housing Unit ('PHHU') – it has confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,
- (d) Enforcement Unit ('EU') – it has confirmed that in relation to litter and waste, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,

3.5 The applicant and Managing Agent have confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.3 of this report.

3.6 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 recently arisen, PSNI has not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue.

Overprovision

3.7 For the purpose of determining whether or not the granting of a licence would result in an overprovision of HMOs in the locality of the accommodation, and in order to ensure consistency as both a planning and licensing authority the locality was defined as being HMO Policy Area 'HMO 2/22 Botanic, Holylands, Rugby' as defined in the document 'Houses in Multiple Occupation (HMO's) Subject Plan for Belfast City Council Area 2015'.

3.8 Legal Services has advised that there is a clear requirement in section 8 of the 2016 Act for the Council to be satisfied that the granting of a licence will not result in overprovision.

- 3.9 On the date of assessment, 17th October 2022, there were a total of 1087 licensed HMOs in HMO policy area 'HMO 2/22 Botanic, Holylands, Rugby'. This equates to just over 45% of the total dwelling units of 2409 within the policy area. Which in turn exceeds the 30% development limit as set out at Policy HMO 1. The 1087 licensed HMOs have a capacity of 4897 persons
- 3.10 The total number of dwelling units in a Policy Area is measured by Ordnance Survey's Pointer database.
- 3.11 The Council must also consider the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need.
- 3.12 The Council recognises that there is a need for intensive forms of housing and to meet this need, HMOs are an important component of this housing provision. HMOs, alongside other accommodation options within the private rented sector, play an important role in meeting the housing needs of people who are single, who have temporary employment, students, low-income households and, more recently, migrant workers.
- 3.13 In September 2017, The Housing Executive published the document 'Housing Market Analysis Update – Belfast City Council Area' which states 'HMOs form an important element of the PRS, particularly for younger people on low incomes and for single people, under the age of 35, affected by the limitation of housing benefit to the shared room rate. Anecdotal evidence also indicates that this has been a popular sector with migrant workers.'
- 3.14 On 28th October 2022, out of 19 premises available for rent within the BT7 area on the website PropertyNews.com there was 1 licensed HMO, which from the information presented on the website, represented 4 bed spaces. The HMO was available for immediate occupation. It should be borne in mind that the peak letting time for HMO accommodation in BT7 is before the commencement of the academic year.
- 3.15 Anecdotal evidence from conversations with HMO managing agents suggest that there is currently a lack of HMO accommodation available in the locality.
- 3.16 The fact the use of the property as an HMO is permitted for planning purposes is a relevant consideration in determining whether the grant of this licence will result in overprovision. There is an argument that it may not do so as the premises are already being used as an HMO.

- 3.17 However, it should be borne in mind that planning permission was granted on the basis that the use had been established for 5 or more years and was therefore immune to enforcement. No assessment of overprovision was made at that time. Given the level of licensed HMO properties in this locality as set out above it would be highly unlikely that a planning application for a new HMO in the area would be successful as the thresholds in the 2015 Plan have been significantly exceeded.
- 3.18 Officers are, therefore, of the opinion that it is too early to tell whether there is a temporary lack of HMO accommodation in the locality or evidence of an emerging long-term supply issue.

Objections

- 3.19 No objections have been received in relation to this application.

Attendance

- 3.20 The applicant and/or their representatives will be available to discuss any matters relating to the licence application should they arise during your meeting.

Suitability of the Premises

- 3.21 The accommodation was certified as complying with the physical standards for an HMO by a technical officer from the NIHMO service on 31st October, 2022

Notice of Proposed Decision

- 3.22 On 28th October 2022, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016, Officers issued a Notice of Proposed Decision to the Applicant setting out the terms of the proposed licence. (Appendix 2)
- 3.24 The Notice of Proposed Decision stated that the Council proposed to refuse the licence on the grounds of overprovision. A statement of reasons for the proposal was included in the Notice of Proposed Decision.

Manager's Query further to the Notice of Proposed Decision

- 3.25 On 1st October 2022, Boyle Properties emailed the HMO unit seeking clarity as to why the application was not being considered as a renewal. (Appendix 3).

Officers responded to the query on the same day (Appendix 4)

Financial and Resource Implications

- 3.26 None. The cost of assessing the application and officer inspections are provided for within existing budgets.**

Equality and Good Relations Implications

- 3.27 There are no equality or good relations issues associated with this report.”**

It was reported that Mr. Hughes, the applicant, Mr. D. Boyle, the Managing Agent and Mr. E. Sloan, the applicant's legal representative were in attendance and they were welcomed by the Chairperson.

Mr. Sloan made a representation on behalf of the applicant and stated that they understood and respected the legislative and policy basis which underpinned the HMO Licensing Scheme, and it was Mr. Hughes' intention and hope to be a responsible and compliant landlord. Mr Sloan informed the Committee that Mr Hughes had agreed to purchase the property at the cost of £185,000 in February 2022 in the knowledge that there was an existing HMO licence in place and intended to continue it and had engaged in significant borrowing for the project. He added that his client had engaged in full due diligence and inspected the existing HMO licence which had been granted in 2019 for a 5-year period until 2024. Mr. Sloan explained that Mr. Hughes understood that the licence did not pass with the property but he had been fastidious in his approach and instructed Mr. Boyle, Managing Agent to assist him with the licence. Mr. Sloan referred to Section 28 and stated that Mr. Hughes followed the correct procedures in relation to the licence application and planning requirements. Mr. Sloan added that procedurally, it was a compliant application and Mr. Hughes was a suitable applicant. He continued that as the report confirmed, the property was deemed suitable after inspection and there had been no objections. Mr. Sloan advised the Committee that Mr. Hughes applied for the licence to be transferred to him on 23rd June and provided a timeline and details of correspondence with the Council which had led Mr. Hughes to have a legitimate expectation that the application would proceed. He added, that at no time were any issues raised nor was there an interrogation of the previous licence.

Mr. Sloan stated that there may be a degree of procedural unfairness which he did not want to labour upon but highlighted a technicality in the report in relation to the previous licence and its invalidation. Mr. Sloan reported that he had looked at the Land Registry details which had uncovered inconsistencies in relation to the property's previous owner and licence whereby essentially there was a wrong factual basis for unilateral declaration that the licence was invalid. In this regard, he stated he did not want to pursue the technicalities further as it would be disproportionate. Mr. Sloan asked that Mr. Hughes be treated as a compliant and suitable applicant for a new licence and requested a continuation of the status quo in relation to the licence to enable Mr. Hughes to continue to provide housing provision in a responsible manner.

A Member thanked Mr. Sloan for his detailed representation and that of the Officers and expressed confusion whereby it had appeared that Mr. Sloan had made representations on behalf of the previous owner which would change the conversation in relation to the Committee's decision and asked for further clarification. Mr. Sloan replied that if the previous licence had been valid as it had appeared to be for 5 years with 2 years to run; and had the application been submitted prior to completing the purchase it would have been treated as a deemed transfer even though it was an application for a new licence. He concluded that the issue was that the Council had decided it would not be treated as such as the previous licence was invalid due to a misrepresentation made by the previous owner to which he added was not correct from a factual basis.

The HMO Manager responded to the points made by Mr. Sloan. and set out the process and Council engagement which had taken place with the previous owner. He reported that the previous owner and respective managing agent had been aware of the Council's concerns in relation to the validity of the licence.

A Member acknowledged the diligence with which the HMO Manager and Officers conduct the work carried out and their in-depth policy knowledge. Another Member raised the matter of rebalancing communities like Holylands, Stranmillis and Lisburn Road and stopping the culture of purchasing a property with a HMO licence as long as it was applied for before the property purchase was completed.

The Interim City Solicitor/Director of Legal and Civic Services referred to the Subject Plan as only one of a number of considerations which needed to be taken into account. She added that it was an appropriate starting place and the legislation required the Members to look at the issue of need.

Moved by Councillor McCann,
Seconded by Councillor Murray,

That the Committee refuse the application for a new licence to operate a House of Multiple Occupation on the basis that to do so would result in overprovision.

The Committee agreed to refuse the application.

Applications approved under Delegated Authority

The Committee noted a list of applications for licences which had, since its last meeting, been approved under the Council's Scheme of Delegation.

Application for the Grant of a Seven-day Annual Outdoor Entertainments Licence - Grove Park, Jellicoe Avenue

The Building Control Manager submitted for the Committee's consideration the following report:

“1.0 Purpose of Report/Summary of Main Issues

- 1.1 To consider an application for the grant of a Seven-day annual Outdoor Entertainments Licence in respect of Grove Park.**

Area and Location	Ref. No.	Applicant
Grove Park Jellicoe Avenue Belfast, BT15 3FZ	WK/2022/00480	Mr David Sales City and Neighbourhoods Services Department Belfast City Council

- 1.2 A location map is attached at Appendix 1.**

2.0 Recommendations

- 2.1 Taking into account the information presented and any representations received Members are required to consider the application and to:**

- a) approve the application for the grant of the Seven-Day Annual Outdoor Entertainments Licence, or**
- b) approve the application for the grant with special conditions, or**
- c) refuse the application for the grant of the Seven-Day Annual Outdoor Entertainments Licence.**

- 2.2 If an application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council’s decision within 21 days of notification of that decision to the County Court. In the case that the applicant subsequently decides to appeal, entertainment may not be provided until any such appeal is determined.**

3.0 Main Report

Key Issues

- 3.1 Grove Playing Fields are owned by Belfast City Council and were previously licensed to provide outdoor entertainment until the Licence expired in August 2015.**
- 3.2 A site plan for Grove Playing Fields is attached at Appendix 2.**
- 3.3 Members are advised that, at a meeting of the Licensing Committee on 19th June 2022, you agreed to grant delegated authority to the Chief Executive, to approve the application**

for the Grant of a Seven-day Annual Outdoor Entertainments Licence for Grove Park, for the events on 8th to 10th July only, subject to having been satisfied that all safety and management procedures were in place and consultation had been undertaken with the PSNI and NIFRS.

- 3.4 The licence was subsequently issued for the Dockside Festival on 8-10th July 2022. Outdoor music events were held on 8th July and 10th July and a family fun day was held on 9th July.
- 3.5 This application is being brought back for further consideration to determine if Committee is now minded to grant a licence without restriction on its days of use.

Application and representations

- 3.6 As for all licences associated with the Council's parks, the applicant is the Director of City and Neighbourhood Services.
- 3.7 The standard days and hours for an Outdoor Entertainments Licence are:
- d) Monday to Sunday: 11.30 am to 11.00 pm.
- 3.8 In addition, Special Conditions are attached to Outdoor Entertainments Licences related to setting limits on maximum numbers and implementing a robust system of dealing with complaints.

Representations

- 3.9 Public notice of the application has been placed and no written representation has been lodged as a result of the advertisement.

PSNI

- 3.10 The Police Service of Northern Ireland has been consulted and has confirmed that it has no objection to the application.
- 3.11 A copy of its correspondence is attached at Appendix 3.

NIFRS

- 3.12 The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and has confirmed that it has no objection to the application.

Health, Safety and Welfare

- 3.13 Officers from the Service will engage with the applicant and event organisers in the lead up to future events to ensure all documentation and technical information is in place.
- 3.14 Additionally, officers will inspect the site during the build of the event space and following its completion to ensure they are satisfied all safety and management procedures are in place.

Noise

- 3.15 The applicant will be required to provide a Noise Management Plan for future events which will be provided to the Environmental Protection Unit (EPU) for evaluation. Council Officers work with the promoter in order to assess the noise that may be generated from the event and to minimise the potential for noise disturbance.
- 3.16 Members will also recognise that noise generated by outdoor concerts is likely to lead to some level of disturbance for local residents. Even if guideline levels are met there is no guarantee that complaints will not be received. Conversely, if a recommended level is exceeded this may not necessarily lead to complaints as people may be prepared to tolerate the event because it will only last for a limited period of time.
- 3.17 9 noise complaints were received as a result of the dance music event held on 10th July 2022. As a result of these complaints, the Night Time Noise Team carried out noise tests in the vicinity of three of the complainants dwellings. The three noise readings indicated that the noise level was within acceptable limits.

Applicant

- 3.18 The applicant, and/or their representatives, will be available at your meeting to answer any queries you may have in relation to the application.

Financial and Resource Implications

- 3.19 None.

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

- 3.20 There are no issues associated with this report.”

The Committee approved the application for the grant of the 7-Day Annual Outdoor Entertainments Licence.

Application for the Variation of a Seven-Day Annual Indoor Entertainments Licence - Town Square, 12-13 Lower Crescent

The Building Control Manager submitted for the Committee's consideration the following report:

- “1.1 To consider an application for the variation of a Seven-Day Annual Indoor Entertainments Licence for the hours during which entertainment may be provided at Town Square, based on the Council's Standard Conditions to provide music, singing, dancing or any other entertainment of a like kind.**

Area and Location	Ref. No.	Applicant
Town Square 12-13 Lower Crescent Belfast BT7 1NR	WK/202200841	Victoria 1 Limited c/o 12-13 Lower Crescent Belfast BT7 1NR

- 1.2 A location map is attached at Appendix 1.**

2.0 Recommendations

- 2.1 Taking into account the information presented and any representations received Members are required to consider the application and to:**

- a) approve the application for the variation of the Seven-Day Annual Indoor Entertainments Licence for permission to provide entertainment to 2.00 am, or**
- b) Approve the application for the variation with special conditions, or**
- c) Refuse the application for the variation of the Seven-Day Annual Indoor Entertainments Licence for permission to provide entertainment to 2.00 am.**

- 2.2 If an application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court. In the case that the applicant subsequently decides to appeal, entertainment may not be provided to the later hours until any such appeal is determined.**

3.0 Main Report

Key Issues

3.1 The areas currently licensed to provide indoor entertainment and their maximum occupancies are:

- Town Square Bar – 180 persons
- Town Square Cafe – 160 persons

3.2 The days and hours during which entertainment may be provided under the terms of the indoor Entertainments Licence are:

- Monday to Saturday: 11.30 am to 1.00 am the following morning,
- Sunday: 12.30 pm to 1.00 am the following morning.

3.3 The variation application relates to a proposed extension to the hours during which entertainment can be provided on Friday and Saturday to 2.00 am the following morning.

3.4 Members are reminded that applications to provide indoor entertainment beyond 1.00 am subject to consideration by the Committee.

3.5 The applicant has stated that the extension of hours to 2.00am is to allow more flexibility to provide late night music entertainment and this will be used in conjunction with the Article 44a extension to Liquor Licensing hours.

Representations

3.6 Public notice of the application has been placed and no written representation has been lodged as a result of the advertisement.

PSNI

3.7 The Police Service of Northern Ireland has been consulted and has confirmed that it has no objection to the application.

3.8 A copy of its correspondence is attached at Appendix 2.

NIFRS

3.9 The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and has confirmed that it has no objection to the application.

Health, Safety and Welfare

- 3.10 An inspection has been carried out on the premises within the past 12 months and officers from the Service are satisfied with all safety measures and management procedures.

Noise

- 3.11 One noise complaint has been received in relation to the premises in the last 12-month period. The Night-Time Noise Team visited the area and witnessed no noise whilst outside the complainant's property.
- 3.12 Members are reminded that the Clean Neighbourhood and Environment Act 2011 gives the council additional powers in relation to the control of entertainment noise after 11.00 pm.

Applicant

- 3.13 The applicant, and/or their representatives, will be available at your meeting to answer any queries you may have in relation to the application.

Financial and Resource Implications

- 3.14 None.

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

- 3.15 There are no issues associated with this report."

The Committee approved the application for the Variation of a 7-day Annual Indoor Entertainments Licence.

**Application for the Renewal of a Seven-Day Annual Indoor
Entertainments Licence - St. Malachy's College Old Boys'
Association, 442 Antrim Road**

The Building Control Manager submitted for the Committee's consideration the following report.

"1.0 Purpose of Report/Summary of Main Issues

- 1.1 To consider an objection to the application for the renewal of the Seven-Day Annual Indoor Entertainments Licence for St. Malachy's College Old Boys' Association.

- 1.2 At the meeting on 19th October, the Committee agreed to defer consideration of this report due to a declaration of interest by the Interim City Solicitor/Director of Legal Civic Services.

Area and Location	Ref. No.	Applicant
St. Malachy's College Old Boys' Association 442, Antrim Road Belfast BT15 5BG	WK/2020/02479	Mr. Conor Cassidy Club Chairman

- 1.3 A location map is attached at Appendix 1.

2.0 **Recommendations**

- 2.1 Taking into account the information presented and any representations made in respect of the application you are required to make a decision to either:

- a) approve the application for the renewal of the 7-Day Annual Indoor Entertainments Licence, or
- b) approve the application for the renewal with special conditions, or
- c) refuse the application for the renewal of the 7-Day Annual indoor Entertainments Licence.

- 2.2 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.

- 2.3 Should the applicant decide to appeal, the existing Licence will continue with its present conditions until the appeal is determined.

3.0 **Main Report**

Details of the Premises

- 3.1 St. Malachy's Old Boys' Association has held a Seven-Day Annual Indoor Entertainment Licence since 1998.

- 3.2 The current days and hours during which entertainment can be provided are:

- Monday to Saturday: 11.30 am to 11.00 pm and
- Sunday: 12.30 pm to 11.00 pm

- 3.3 Under the provisions of the Licensing and Registration of Clubs (Amendment Act) (Northern Ireland) 2021, in addition to the normal hours shown above, the club may apply for up to 104 extensions a year to sell alcohol until 01.00 am on any day of the week. These are authorised at the discretion of the Police Service of Northern Ireland (PSNI) and, if granted, these also enable entertainment to be provided to the end of the drinking up period on those nights. The drinking up period extends to 2.00 am on those nights that an extension licence has been approved by the PSNI.
- 3.4 The areas currently Licensed to provide indoor entertainment and their occupancies are the:
- Ground Floor lounge bar with a maximum capacity of 45 people
 - Ground Floor Main Function Hall with a maximum capacity of 200 people
 - Ground Floor Darts room with a maximum capacity of 38 people
 - First Floor Recreation room with a maximum capacity of 50 people.
- 3.5 The Function Hall is used on an adhoc basis for family parties and charity functions which usually involve a late licence to 1:00am with music provided by a DJ operating via their noise limiting device.
- 3.6 The Club has advised that it has not had entertainment scheduled since before Covid-19.

Licensing History

- 3.7 An application for an Entertainments Licence for this premises was first received in 1997, and, while objections were received for the initial grant and first renewal, the licence was renewed under delegated authority, with no objections having been received, for the years 2000-2008.
- 3.8 In March 2009, an objection to the renewal of the licence was received by the Service. This objection was resolved through a resident meeting with the Club and with special conditions being added to the licence following a special meeting of the Licensing Committee on 29th April 2009. The licence subsequently has been renewed under delegated authority with no objections received on each subsequent year until the present.
- 3.9 At the Licensing Committee in April 2009, the Club agreed to the following special conditions being attached to its licence:

- Bottle bins to be moved to a location away from the wall adjacent to residential property.
- Fire doors at the rear of the function room to be used only in emergency situations and not to be used at any other time.
- Smoking area restricted to that part of the alleyway immediately adjacent to the premises.
- Patrons discouraged from using the rear yard immediately adjacent to residential property.
- Regular meetings be established between the club committee and officers from the Service in order to deal with any problems which might arise in respect of the licence.

Representations

Objector's Representation

- 3.10 One written representation was received as a result of the public notices of application from a local resident. This was received within the 28-day statutory period.
- 3.11 The letter of objection is attached at Appendix 2.
- 3.12 The objector submitted video clips on two memory sticks to support their objection. The video clips were dated from 2nd July, 2021 to 27th May, 2022. The issues arising from these videos relate to:
- Patron conversations in the rear garden
 - Beer bottle delivery and collections causing noise
 - Damage to wall at objector's property alleged to be from beer bottle collections
 - Patrons at rear garden of premises calling objector's name as she videos.
- 3.13 The Building Control Service sent a letter offering to facilitate a meeting between the objector and applicant, but this offer was not accepted. The Service also offered to meet with the objector independently, but this too has not been accepted.
- 3.14 The objector's Representation Form is attached as Appendix 3 and it has been provided to the applicant, as required by the protocol.
- 3.15 In general, the representation relates to concerns as follows:
- noise nuisance and abusive behaviour from patrons gathering at the rear of the premises
 - nuisance caused by beer deliveries and collections

- failure to comply with conditions attached to the entertainment licence.

3.16 The objector has been invited to attend your meeting to discuss any matters relating to the objections should they arise.

Applicant's Representation

3.17 The applicant has provided their Representation Form, as required by the Protocol, and a copy of their response along with letters of support is attached as Appendix 4.

3.18 The applicants Representation Form has also been provided to the objector, as required by the protocol.

3.19 A summary of the applicant's representation is as follows:

- They have not been made aware of any complaints about the club and had they been aware of any problems they would have investigated these with a view to taking any reasonable steps to address them.
- They have had no complaints raised with them by either the PSNI or the Council's noise team.
- They are open to discussion on any steps they can take to address the objector's concerns.
- Other residents in the area are supportive of the club and have no complaints.

3.20 The applicant and/or their representatives will be available at your meeting to answer any queries you may have in relation to the application.

Counter Representations

3.21 No counter representations have been received at the time of writing this report. A copy of the report has been provided to the applicant and objector and a verbal update will be provided in respect of any further representations which are received.

PSNI

3.22 The Police Service of Northern Ireland has been consulted and confirmed that it has no objection to the application. A copy of its correspondence is attached at Appendix 5.

NIFRS

- 3.23 The Northern Ireland Fire and Rescue Service has been consulted and has confirmed that it has no objection to the application.

Health, Safety and Welfare

- 3.24 There are no issues relating to health, safety and welfare in relation to this renewal application.

Noise and Complaints

- 3.25 There have been no complaints communicated to the Environmental Protection Unit's night-time noise team and the Service has no record of any other complaints concerning the premises in the past 12 months.

4.0 **Financial and Resource Implications**

- 4.1 None.

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

- 5.1 There are no issues associated with this report."

The Building Control Manager reminded the Committee that the application had been deferred at the previous Licensing Committee on 19th October due to a conflict of interest declared by the Interim City Solicitor/Director of Legal and Civic Services.

It was reported that Mr. Shields, the applicant, and Ms. J. Mallon the objector were in attendance and they were welcomed by the Chairperson. The public broadcast was stopped and the Members were shown footage which had been provided by the objector.

The Chairperson invited Ms. J. Mallon, the objector to make her representation.

Ms. Mallon thanked the Committee for hearing her objection to the application and referred to the footage and the behaviour contained therein. She stated that the applicant St Malachy's College Old Boys' Association had been developing a beer garden beside her home without consultation with local residents. She described how she could hear the applicant's patrons from inside her house which she found intolerable. Ms. Mallon described to the Committee how she had been subjected to abusive behaviour and felt intimidated in her home. She asked the Committee why the applicant could serve drink in the beer garden when it was not mentioned on the licence application and accused the applicant of ignoring licence conditions. She stated the situation was intolerable and it was affecting her health. She thanked the Committee.

A Member asked Ms. Mallon if there was any disturbance at night given that the footage presented was in daylight. Ms. Mallon responded that the footage provided was taken in the evening during summer months.

The Chairperson welcomed Mr. P. Shields, the applicant, and invited him to make his representation in response to the footage.

Mr. Shields addressed each of the individual video clips which had been viewed by Committee and referred to the clips which showed footage of deliveries and that of glass disposal. He stated that he was not clear why these had anything to do with the Entertainment Licence and why they were under consideration. He provided timings of the deliveries and stated that none of the 3 other neighbours in Kenbella Parade had an issue with the deliveries which took as long as the weekly refuse collections. Mr. Shields said that it was worth noting, that there was no line of sight from the premises to Kenbella Parade as there was an 8 foot-high fence that prevented it. He added that he would welcome discussion about any abusive behaviour that may have taken place and disciplinary action would be taken. He referred to the instances of the back door to the club being opened without the permission of the staff which would be investigated. Mr. Shields pointed out that the incidents presented in the footage were taken in daylight when no specific entertainment was taking place and no bar staff were in the back hall. He informed the Committee that additional fire door signage and potential fire door alarms were being investigated. With regards, to noise he advised that no noise issues had ever been ever reported to the Council or the PSNI.

Mr. Shields responded to the damage to Ms. Mallon's wall which had never been formally reported. He stated that had it been reported at the time and had the club been responsible it would have rectified the matter without question. Mr. Shields remarked that he would be content to have a face-to-face meeting with Ms. Mallon to discuss the matter further. To mitigate the possibility of any future issues, Mr. Shields informed the Committee that the club proposed to erect a no parking sign against its rear gates which would give clearer access to the delivery lorry during weekly deliveries. Mr. Shields advised that St. Malachy's Old Boys Association would be available at any time to speak to Council Officers or any of the neighbours however, unfortunately Ms. Mallon had refused to meet with them.

A Member referred to the conditions outlined below which had been attached to the previous licence and asked if they would be attached upon renewal of the licence. The Building Control Manager confirmed the conditions would be on the licence renewal unless Committee decided otherwise.

- 1. Bottle bins to be moved to a location away from the wall adjacent to residential property.**
- 2. Fire doors at the rear of the function room to be used only in emergency situations and not to be used at any other time.**
- 3. Smoking area restricted to that part of the alleyway immediately adjacent to the premises.**
- 4. Patrons discouraged from using the rear yard immediately adjacent to residential property.**

5. Regular meetings be established between the club committee and officers from the Service in order to deal with any problems which might arise in respect of the licence.

The Building Control Manager raised the matter of the beer garden which had been raised by Ms. Mallon and confirmed that the Entertainments Licence did not cover the beer garden and that the provision of alcohol in the area would be a matter falling under the club's Liquor Licence.

Ms. Mallon advised that 2 residents in the Kenbella Parade were members of St. Malachy's Old Boy's Association and it would be unlikely that they would raise any complaints.

The Chairman encouraged dialogue between the parties to resolve matters and stated that the Council would be content to facilitate such meetings.

The Committee approved the application for the renewal of a 7-day Annual Indoor Entertainments Licence with all existing conditions to remain.

**Application for the Renewal and Variation
of a Seven-Day Annual Indoor Entertainments
Licence - Common Market, 16-20 Dunbar Street**

The Building Control Manager submitted for the Committee's consideration the following report:

- “1.1 To consider an application for the renewal and variation of a Seven-Day Annual Indoor Entertainments Licence for Common Market, based on the Council's Standard Conditions to provide music, singing, dancing or any other entertainment of a like kind.

1.2

Premises and Location	Ref. No.	Applicant
Common Market 16-20 Dunbar Street Belfast, BT1 2LH	WK/2022/0950	Ms Alana Fox Carlisle Inns Limited 2-14 Dunbar Street Belfast, BT1 2LH

- 1.3 A location map is attached at Appendix 1.

2.0 **Recommendations**

- 2.1 Taking into account the information presented and any representations received Members are required to consider the application and to:

- a) approve the application for the renewal of the 7-Day Annual Indoor Entertainments Licence; and
- b) approve the application for the variation of the 7-Day Annual Indoor Entertainments Licence for permission to provide entertainment to 3.00am; and / or
- c) approve the application for the variation of the 7-Day Annual Indoor Entertainments Licence to increase the occupancy on the ground floor to 1200 persons, or
- d) approve the application for the variation of the Licence with special conditions, or
- e) refuse any or all of the applications.

2.2 If an application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court. In the case that the applicant subsequently decides to appeal, entertainment may not be provided to the later hours and the increase in occupancy will not be permitted until any such appeal is determined.

3.0 Main Report

Key Issues

Details of the Premises

- 3.1 The applicant, Ms. Alana Fox of Carlisle Inns Ltd., has applied for the renewal and variation of a Seven-Day Annual Indoor Entertainments Licence based on the Council's standard conditions to provide indoor music, singing, dancing or any other entertainment of a like kind.
- 3.2 Common Market is in the former Arnott's Fruit Market building and Ms. Fox is also the licensee for the building adjacent to Common Market known as 39 Gordon Street and Lux and situated at 2-16 Dunbar Street.
- 3.3 Mr. Lawrence Bannon, who is consultant and advisor to Carlisle Inns Ltd., has been liaising directly with the Service in relation to the application.
- 3.4 The areas currently licensed to provide indoor entertainment and their maximum occupancies are:
 - Main Area (Ground Floor), with a maximum capacity of 290 persons
 - Mezzanine Floor, with a maximum capacity of 60 persons

- 3.5 The nature of the variation is to increase the occupancy of the Main Area of the ground floor to approximately 1260 persons.
- 3.6 Although the venue can potentially accommodate approximately 1260 persons, due to limited exit capacity, when the licence was first granted the ground floor area was laid out as a seated area with large picnic tables and the occupancy was restricted to 290 persons.
- 3.7 Floor plans showing the layout of the premises are attached at Appendix 2.
- 3.8 The licensee plans to remove the picnic tables when events are to be held, therefore allowing for a significant increase in the occupancy capacity and Mr Bannon is currently negotiating with the Council to acquire permission for an additional emergency exit through the Council Depot on Dunbar Street, which would accommodate the increase in capacity.
- 3.9 If the Committee is minded to grant the variation to increase the occupancy capacity, it is advised that approval be on the basis that the extra numbers would not be permitted until an agreement is finalised between the Council and the licensee for the use and management of an additional emergency exit which passes through the adjacent Council depot.
- 3.10 The days and hours during which entertainment may be provided under the terms of the indoor Entertainments Licence are:
- Monday to Saturday: 12.00 p.m. to 1.00 a.m.
 - the following morning, and
 - Sunday: 12.00 p.m. to 12.00 a.m.
- 3.11 The variation application also relates to a proposed extension to the hours during which entertainment can be provided on Monday to Sunday to 3.00 a.m. the following morning.
- 3.12 Members are reminded that applications to provide indoor entertainment beyond 1.00 a.m. are subject to consideration by Committee.
- 3.13 The applicant has stated that the extension of hours to 3.00 am is needed to compete with other City centre venues. The applicant's existing premises, 39 Gordon Street and Lux, which adjoins this venue currently holds a 3.00 am entertainments licence and this increase in operating hours would allow both venues to operate in harmony, allow the licensee to manage crowd control better and improve their safety management protocols.

Representations

- 3.14 Public notice of the application has been placed and no written representation has been lodged as a result of the advertisement.

PSNI

- 3.15 The PSNI has been consulted and has confirmed that it has no objection to the application.
- 3.16 A copy of its correspondence is attached at Appendix 3.

NIFRS

- 3.17 The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and has confirmed that it has no objection to the application.

Health, Safety and Welfare Inspections

- 3.18 This building was previously used by Arnott's for fruit and vegetable storage. The use of the building changed in 2021 to an assembly building and a Building Regulations completion certificate for the works was issued by the Service.
- 3.19 A during performance inspection was carried out on the premises by officers from the Service on 3rd October 2022. On this occasion, the licensee was operating his two premises as one 'super-club'. The two premises Common Market and 39 Gordon Street are adjoined. 39 Gordon Street operates as a bar on the ground floor and a nightclub on the first floor. This inspection revealed some operational issues. The management was made aware of these issues and they advised that additional staff training and management procedures would be put in place prior to operating the venue in this manner in the future.
- 3.20 The licensee has confirmed that the proposed increase in occupancy will be implemented incrementally to ensure that adequate management procedures are developed.
- 3.21 The licensee has submitted a management plan for the premises and Officers from the service are liaising with the licensee to ensure that technical requirements and associated operational and management procedures are satisfactory.

- 3.22 The premises will continue to be inspected as part of our During Performance Inspection regime and will be subject to further monitoring to ensure the applicant adheres to their licence conditions.

Noise Issues

- 3.23 An acoustic report was submitted to the Environmental Protection Unit prior to this Licence being granted in October, 2021. At this time, a noise limiting device was fitted and set at 90dB LAeq,t. The licensee has advised that all music will be played through the existing noise limiting device.
- 3.24 The Environmental Protection Unit (EPU) has been consulted in relation to the application and confirmed that it has received three noise complaints in the past 12 months. These complaints were received on 26th September, 5th October and 2nd November 2022.
- 3.25 The licensee has recently carried out some works to improve the acoustic performance of the building, which includes forming an internal lobby and acoustic curtain to reduce the noise emanating through the large roller shutter door to the front of the premises.
- 3.26 Members are reminded that the Clean Neighbourhood and Environment Act 2011 gives the Council additional powers in relation to the control of entertainment noise after 11.00 pm.

4.0 Financial and Resource Implications

- 4.1 None.

**5.0 Equality and Good Relations Implications/
Rural Needs Assessment**

- 5.1 There are no issues associated with this report.”

Moved by Councillor Magee; and
Seconded by Councillor Bradley,

That the Committee approve the application for the Renewal and Variation of the 7-Day Annual Indoor Entertainments Licence on the basis that variation in relation to the increase in occupancy capacity would not be permitted until such times as a satisfactory agreement is in place between the Council and the licensee for the use and management of the additional emergency exit which passes through the adjacent Council depot.

The Committee agreed to the proposal.

**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.

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 Dfl would work with him and reminded the Committee it was Dfl that had approached City Picnic in relation to moving to Castle Street. Mr. Lawther added they would continue to work with the licensees to evolve the agreement however, the issue was the occupation of a public road which was open to the public. He asked that these licences be relocated off the public road to a more appropriate space.

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

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

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

**Application for the Provisional Grant of an
Amusement Permit – Elite Gaming, Little Vegas
(NI) Ltd, 163 Stranmillis Road**

The Building Control Manager submitted for the Committee's consideration the following report:

"1.0 Purpose of Report/Summary of Main Issues

To make a final determination on an application for the Provisional Grant of an Amusement Permit under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (the Order).

Premises and Location	Ref. No	Applicant
Elite Gaming 163 Stranmillis Road Belfast, BT9 5AJ	WK/2020026 52	Little Vegas (NI) Limited Unit 7 and 8 Ardboe Business Park, Kilmascally Road, Dungannon Co. Tyrone BT71 5BJ

2.0 Recommendations

2.1 In considering the application for the Provisional Grant of an Amusement Permit, the Committee shall have regard to the Order and Belfast City Council's Amusement Permit Policy, as follows:

- a) The fitness of the applicant to hold a Permit having regard to his character, reputation and financial standing, and**
- b) The fitness of any other person by whom the business is to be carried on under the Permit would be managed, or for whose benefit that business would be carried on,**
- c) In considering the fitness of a body corporate to hold an amusement permit, the Council shall also have regard to the character, reputation and financial standing of the directors of the body corporate and any other persons who have executive control of it and who have a financial interest in it, as if the permit were, or were proposed to be, held by them jointly**
- d) Representation, if any, from the sub-divisional commander of the Police Service of Northern Ireland in whose sub-division the premises are situated, and**
- e) Representation, if any, as a result of the public notices of advertisement.**

2.2 The Committee is then required to make a decision based on the following options set out under the Order.

You must refuse the application unless satisfied that:

- a) The applicant is a fit person to hold an Amusement Permit; and**
- b) The applicant will not allow the business proposed to be carried on under the Amusement Permit to be managed by, or carried on for the benefit of, a person other than the applicant who would himself be refused the grant of an Amusement Permit.**

2.3 Thereafter:-

- 1. You may refuse the application after hearing any representations from third parties, or**

2. You may grant the application, subject to the mandatory condition that the premises are not to be used for an unlawful purpose or as a resort of persons of known bad character, and
 3. You may also grant the application subject to discretionary conditions outlined in the Order relating to the illumination of the premises, advertising of, and window displays on the premises and the display of information notices.
- 2.4 If, upon hearing the applicant, the Committee is minded to grant the permit provisionally, it is requested to consider delegating authority to the Director of Planning and Building Control, in consultation with the City Solicitor, to issue the permit once all necessary technical requirements relating to health, safety, welfare and amenity have been completed to the satisfaction of the Building Control Service.
- 2.5 Should the Committee refuse the application for the Provisional Grant of an Amusement Permit or decide to grant the application subject to discretionary conditions, the applicant may within 21 days from the date on which notice of the decision is served on him, appeal to the county court.
- 3.0 **Background**
- 3.1 The Committee, at its meeting on 17th August 2022, agreed, after hearing from the applicant and their representative, that it was minded to refuse the application for the provisional grant of an Amusement Permit for the ground and first floors of 163 Stranmillis Road.
- 3.2 This decision was taken on the basis that the application did not comply with the criterion of the Council's Amusement Permit Policy, in that the first floor of the proposed premises was immediately adjacent to residential use property.
- 3.3 A copy of the minute and the report from 17th August is attached at Appendix 1.
- 3.4 The Order requires that the Committee, when minded to refuse an application, must afford the applicant the opportunity to make representations at a specified Licensing Committee meeting on the matter before making a final determination on the application.
- 3.5 The applicant subsequently confirmed their desire to avail of the opportunity to make further representation and will be in attendance at your meeting together with their representatives.

4.0 Key Issues

4.1 The Directors of Little Vegas (NI) Limited are Conor Francis Forbes, Aine Forbes, Ciara Anne Forbes and Shea Michael Forbes.

4.2 A statement in support of the application has been provided for consideration and is included at Appendix 2.

4.3 The key matters outlined in the statement are that:

- Planning permission for the amusement premises (covering all floors) was granted in February 2012.
- The Health and Environmental Services Department was consulted on that 2012 permission and considered the proposal acceptable in the express context of the adjoining business and residential uses. Therefore, in the context of the original grant, and the Council's consideration of same, are identical.
- The amusement permit was first granted in 2013. There have been no objections to any of the renewals of the permit since 2013.
- The criterion (d) (ii) guidance cannot be considered as determining, because to do so ignores the same factual context that saw the planning permission granted in 2012.
- A fresh Noise Impact Assessment ('NIA') has been carried out for the proposal, and the expert advice is that there will be no noise disturbance.
- Notwithstanding the findings of the expert noise consultants, as a goodwill gesture, the applicant proposed additional noise attenuation to ensure no adverse impact.

Amusement Permit Policy

4.4 The Belfast City Council Amusement Permit Policy, ratified at Council on 1st May 2013, outlines those matters which may be taken into account in determining any amusement permit application and indicates that each application must be assessed on its own merits.

4.5 As outlined at the meeting on 17th August, it was concluded that whilst the location of the permit application satisfies most criteria in the Amusement Permit Policy it is not considered to meet criteria (dii). This criterion relates to the

proximity of proposed premises immediately adjacent to residential use. Having regard to the potential impact on residential amenity, the Permit Policy advises a precautionary approach by discouraging the opening of amusement arcades in such locations.

4.6 In response to the applicant's appeal submission, the following points are made:

- Unlike planning policy, the Permit Policy places greater emphasis on the nature and operations of an amusement centre. These premises are currently open from 3.00pm until 3.00am Monday to Sunday – as indicated on the premises' front door. Members may wish to consider the practicality of restricting first floor operations to 10.00pm.
- Impact on residential amenity does not solely relate to noise levels emanating from inside a property, it also relates to the level of activity generated by a business and, in particular, noise nuisance outside the premises.

4.7 Notwithstanding the above, the applicant has provided a noise impact assessment which outlines that noise levels are within recognised limits and should not adversely affect the amenity of residents in the adjacent property.

4.8 The Committee is reminded that, in addition to the above legal requirements and assessment criteria, it may take into account any matter which is deemed relevant. The Committee may depart from the Policy where it is appropriate to do so, although it is envisaged that this should only happen in exceptional circumstances.

4.9 A copy of the Council's Amusement Permit Policy is included in the submission from the applicant attached in Appendix 2.

Financial and Resource Implications

5.1 Administration of Amusement Permit applications is included in current budgetary estimates.

Equality or Good Relations Implications/ Rural Needs Assessment

6.1 None."

The Building Control Manager reminded the Members that at its meeting on 26th June 2013, it agreed to refuse the granting of an amusement permit to Little Vegas Ltd for the ground and first floors of 163 Stranmillis Road. Subsequently at the

Committee's meeting on 21st August 2013 following the hearing of representations, it was agreed to grant an amusement permit for the ground floor of the premises only.

It was reported that Mr. S. Beattie, Kings Counsel (KC), Mr. T. Bell, Planning Consultant and Mr. Forbes, the applicant were in attendance and invited them to make their representation on behalf of the applicant.

Mr. Beattie drew the Committee's attention to a specific line in policy criterion 4 on page 9 of the policy and stated the policy did not cater for this scenario and that it was there to deal with renewals or new grants. He added that the policy did not subdivide the property/premises and the factual context of the application made it unique. He made it clear it was not a precedent case and was a case that in 2012, the planning authorities granted planning permission in which the Council was a consultee. He continued that in 2013, the Council granted an amusement permit for the property which had been renewed for 9 years with the exception of one year during the Covid-19 pandemic. Mr Beattie informed the Committee that there had been no objection to the renewals which it should take into consideration otherwise it would put the applicant at a disadvantage. Mr. Beattie stated that this was not a new grant on a greenfield site or a previously unlicensed site and that the planning context of the grant and each of the renewals had always been in the context of a mixed-use development which included residential use and nothing had changed. He advised that that there was no likely impact upon residential amenity in terms of noise. Mr. Beattie further advised that the applicant had offered to do further noise attenuation on the premises to further guarantee there would be no internal breakout of any possible noise. In terms, of the outside of the premises there had been no objections raised by Officers or by any member of the public in relation to the operation of the premises. Mr. Beattie informed the Committee that the applicant had checked the history of the premises and found one incident of someone having tethered a dog to the fence which had resulted in complaints and the individual concerned had been barred. Mr. Beattie provided the Committee with a summary whereby, the existing premises had operated as a good neighbour for 9 years and it would be wholly inappropriate for the policy to be rewritten to seek to make a subdivision between the ground and first floors and would be kept under scrutiny. He concluded that there would be an economic issue where the Rates would double and there was more than ample factual reasoning why the policy was not applicable and on this occasion should not be applied.

In response to a request from a Member, the Interim City Solicitor/Director of Legal and Civic Services provided policy clarification and confirmed that there would be circumstances where it would be appropriate to depart from the policy where factual circumstances warrant it. In response, Mr. Beattie stated that no government agency had set out what exceptional circumstances were. He added that he could not think of any other case where this had happened and asked would this make it exceptional.

For the purpose of clarity, the Building Control Manager advised that the Committee granted the amusement licence for the ground floor some time ago and there was no facility to extend an existing permit so the applicant now had to apply for a permit for the ground and first floors however, if that was refused the applicant would still have the ground floor to operate. He informed the Committee the matter was about whether it was appropriate to depart from the policy based on the exceptional circumstances.

Discussion ensued around conditions within the application and the fitness of the applicant.

The Committee granted the application, subject to the mandatory condition that the premises are not to be used for an unlawful purpose or as a resort of persons of known bad character.

Non-Delegated Matters

Schedule of Meetings 2023

The following dates had been identified for meetings of the Licensing Committee for the period from January to December, 2023.

- Wednesday, 18th January
- Wednesday, 15th February
- Wednesday, 15th March
- Wednesday, 12th April
- Wednesday, 14th June
- Wednesday, 16th August
- Wednesday, 20th September
- Wednesday, 18th October
- Wednesday, 15th November
- Wednesday, 13th December

(All meetings to commence at 5.00 pm)

The Committee approved the schedule meetings for 2023.

Licence Fees for Sex Establishments

The Building Control Manager reminded the Committee that after reviewing the current fees, as agreed by Committee in November 2021, these were deemed to be proportionate to the cost of the processes associated with administering a Sex Establishment Licence.

It was therefore proposed that the fees set previously remain as shown below.

Application Fee	£3,200
Renewal Fee	£1,430
Transfer Fee	£1,125
Licence Fee	£500

The Sex Establishment Licence fees would ensure the cost of the operational and administration processes were proportionate to the licensing scheme.

The Committee agreed that the current fees, reviewed in November 2021, remain unchanged.

**Refusal of an Application for a New
Licence to operate a House in Multiple
Occupation at Flat 2, 26 Lawrence Street –
Update on Legal Proceedings**

The Interim City Solicitor/Director of Legal and Civic Services provided the Committee with an update on a statutory appeal of its decision of 16th June, 2021 to refuse an application for a new HMO licence for a property located at Flat 2, 26 Lawrence Street, Belfast, on the grounds of overprovision. She advised that officers await confirmation as to whether the appellant was to appeal/judicially review the court's decision and would provide the Committee with a further update in due course.

The Committee acknowledged the hard work of the team in defending this appeal. It noted the update on the legal proceedings.

Chairperson



Belfast
City Council

LICENSING COMMITTEE

INSERT AGENDA ITEM

Subject:	Review of Pavement Café Licensing Workshop
Date:	16 August 2023
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext 2435
Contact Officer:	James Cunningham, Senior Licensing Officer, Ext 3375

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

Call-in	
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	Committee are reminded that the Council, along with a number of other Councils in N. Ireland, in June 2020, decided to introduce a temporary process for considering pavement café applications to assist the hospitality sector during the recovery period following the Covid-19 pandemic lockdown.
1.2	The process was always meant to be temporary in nature when businesses reopened, patrons were not allowed to be inside the premises due to social distancing requirements.
1.3	The temporary pavement café licensing scheme has now been extended twice in Belfast and will expire on 30 September 2023. As far as we know the other Councils have already ended their temporary processes.

1.4	During the recent site visit to pavement cafés in Fountain Street on 31 July 2023, there was considerable discussion by Members, who were present, about pavement cafes and their future.
1.5	<p>To ensure that Members are fully appraised and to explore Members' opinions on the future of pavement cafes in the City it is suggested that a workshop be set up to discuss matters including:</p> <ul style="list-style-type: none"> • The merits of a introducing a permanent pavement café licensing scheme. • To what extent Pavement Cafes support the creation of a vibrant daytime and night-time economy. • The impact of Pavement Cafes on other road / footpath users. • A possible transition and implementation period if we move to a permanent scheme. • The application fees, as agreed by Council in 2017. • Current Licence Conditions. • Hours of operation • Size and location of sites • Enforcement
2.0	Recommendations
2.1	Members are asked to agree to participation in a Pavement Café Workshop within the next 4-6 weeks, date, time and venue to be agreed.
3.0	Background
3.1	The Licensing of Pavement Cafes Act (NI) 2014 ("the Act") came into operation on the 1 October 2016. However, the Council, along with a number of other councils, did not implement the legislation at that time as the Department for Infrastructure Roads had not, and still has not, issued their technical guidance for Councils in support of the Act.
3.2	That said, the Department for Infrastructure (DfI) has now evaluated and determined the appropriateness of Temporary Pavement Café applications in Belfast, using their professional expertise following their own guidance documents.
3.3	As such, DfI's technical guidance document for Council's is no longer seen as crucial, as DfI are deemed to be the experts in determining the suitability for the use of the pavement.
3.4	The Council in June 2020, decided to introduce a temporary process for considering pavement café applications. This process included drafting temporary guidance for applicants, which was based on the Department for Communities guidelines and supplementary guidance from the Licensing Forum Northern Ireland produced when the Act came into force.
3.5	The Council's temporary guidance was issued to assist the hospitality sector during the pandemic. The principles contained in that guide will transfer into permanent guidance.
3.6	<p>Some of the key aspects of the temporary process and why it was introduced;</p> <ul style="list-style-type: none"> • It was originally for a period of one year; • It gave the ability to businesses to start using the pavement café area whilst their licence application was being determined;

	<ul style="list-style-type: none"> • Statutory agencies were encouraged, by Government, to take a very liberal view when considering applications to allow the hospitality businesses to reopen; • Footfall was down in the City centre, as was traffic and this gave significantly more available space on the street. • Patrons were not allowed to be inside hospitality premises; • There was social distancing and mobility restrictions in place; • Most workers were working from home. <p><u>Financial & Resource Implications</u></p>
3.7	No additional resources are required other than approximately 2 hours of Member's time.
	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>
3.8	Full engagement with the Equality and Diversity Officer regarding the equality screening exercise undertaken in June 2020 and reviewed in 2021 will be undertaken prior to progressing to a permanent scheme.
4.0	Appendices – Documents Attached
4.1	None

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Belfast
City Council

LICENSING COMMITTEE

Subject:	Report and Proposals from the Department for Communities Review of Houses in Multiple Occupation Licensing Scheme
Date:	16 th August 2023
Reporting Officer:	Vivienne Donnelly City Protection Manager
Contact Officer:	Kevin Bloomfield, HMO Unit 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	When the Houses in Multiple Occupation Act (Northern Ireland) 2016 came into effect in April 2019 following the transfer from Northern Ireland Housing Executive's (NIHE) HMO Registration scheme to Councils under a new licensing regime, the Department for Communities (DfC) committed to undertaking a review of the implementation of the new HMO licensing scheme within two years of the transfer.
1.2	DfC commenced the Review of the Houses in Multiple Occupation Scheme in December 2020.
1.3	This Committee on the 10 March 2021 agreed to the Council's proposed response to the Review.
1.4	The Department for Communities (DfC) presented their initial findings to this Committee in May 2021
1.5	The final Report and Proposals from the Review of Houses in Multiple Occupation Licensing Scheme was published on 26 May 2023 which also contains the Council's responses to the issues raised by respondents as part of the Review and DfC's consideration and response to the Councils suggested amendments to the HMO legislation to improve the impact and effectiveness of the new HMO Act and its implementation.

2.0	Recommendations
2.1	Committee is asked to note the final Report and Proposals arising from the Review of Houses in Multiple Occupation Licensing Scheme.
3.0	Main report
	<u>Key Issues</u>
3.1	On 22 December 2020, DfC commenced the Review of the Houses in Multiple Occupation Scheme and sought views in relation to the Review by means of an online questionnaire.
3.2	The main objective of the Review was to examine how the scheme was working in terms of the original policy intent which was to improve the conditions for tenants living in HMOs.
3.3	This Committee on the 10 March 2021 agreed the Council's response to the Review from an operational perspective, together with a number of suggested legislative amendments that the Council requested to assist with the delivery of the Licensing scheme.
3.4	DfC received 227 responses to the on-line survey with the majority of responses (189) from HMO landlords or agents.
3.5	DfC undertook further engagement with BCC officers, landlords and tenants and presented an interim report to this Committee in May 2021 . The Council provided feedback to DfC on the operational and administrative/delivery aspects of the licensing scheme following consideration by this Committee in November 2021 .
3.6	The Review looked at the impact of the regulatory scheme on Councils in terms of resources, guidance and legislation with a view to identifying any changes necessary to ensure the legislation achieves its policy intent.
3.7	<p>The report sets out the operational issues raised during the Review regarding BCC's implementation and delivery of the scheme which covered 18 themes and the BCC response to each issue are contained in the main body of the report (pages 9- 18)</p> <p>Those themes being -</p> <ol style="list-style-type: none"> 1. Cost 2. Guidance 3. Online application process 4. Revision to the definition 5. Environmental issues 6. Determination documentation 7. Planning 8. Over provision 9. Section 28 – change of ownership: effect on licence. 10. Section 29 Death of sole licence holder: effect on licence 11. Communications 12. Council working against landlords. 13. Administration 14. Out of hours contact number. 15. Advert in the paper 16. Minimum room size 17. Section 63 Landlord Training

	18. Fee for temporary notice
3.8	As part of the Review, the Council asked DfC to consider making a number of changes to the HMO Act 2016 to assist with the implementation and delivery of the scheme which has been highlighted through engagement with landlords, court cases arising out the Council's interpretation and application of the new legislation and administrative challenges arising from the application of new legislation.
3.9	Some of these proposed changes will be considered by the Department and these are listed below. As these proposed changes mainly involve amending the primary legislation, this will take some time to complete and will require a full NI Assembly to deliver legislative changes along with the relevant Ministerial approvals.
3.10	<p><u>Proposed Legislative changes agreed to be considered and/or progressed by DfC</u></p> <p>(1) Section 6 - Notice regarding continuation of occupation</p> <p>Section 6 of the 2016 Act sets out the grounds for which a Council may serve a notice of continuation of occupation. Belfast City Council requested that the time limit of 4 months in section 6 is extended to 6 months as with some properties which are let to students, the property may be empty from May to October. The Department have sought further engagement in order to allow them to consider a change to this section.</p>
3.11	<p>(2) Temporary Exemption Notice and Extension of Temporary Exemption Notice</p> <p>Section 15 of the 2016 Act applies where the owner of an unlicensed HMO makes an application to the Council which specifies steps which may be taken with a view to securing that the HMO ceases to become an HMO and includes a declaration that the owner intends to take those steps. This provision is in place to allow landlords to give tenants notice to leave the property. A temporary exemption notice has an effect for 3 months, Section 16 of the Act allows the notice to be extended for a further 3 months.</p>
3.12	Belfast City Council have requested the ability to charge a fee for such notices. This is currently a free service and charging should be allowed under this provision to bring it into line with the other notices under the scheme for which there is a charge to cover the administrative costs associated with issuing such notices. The Department has agreed to work with the Council to determine the appropriate fee and to propose changes to the legislation to allow such a fee to be charged.
3.13	<p>(3) Death of a sole licence holder</p> <p>Under Section 29 where a sole licensee dies, the licence expires three months after the date of death, unless the Council is satisfied that it is reasonable to extend it in order to wind up the holder's estate. Both Councils and landlords had concerns regarding the 3-month time limit. The Department recognises that 3 months is insufficient time in most cases for winding up an estate. The Department proposes that this time limit is extended to 12 months.</p>
3.14	<p>(4) Requirement for Council to send a copy of an HMO application to the Statutory Authorities</p> <p>Currently, the Council is required to notify the statutory authorities concerning all HMO applications, however there is no requirement for statutory agencies to provide any information they hold in respect of the owner or managing agent under the fit and proper definition. The Council requested that this paragraph be amended to provide a statutory</p>

	<p>basis upon which other authorities can disclose information in relation to any information they hold in relation to the “fit and proper” person status of the proposed licensee or managing agent. This would assuage concerns on their part regarding potential breach of data protection legislation.</p>
3.15	<p>The Department recommends the removal of the requirement for statutory agencies to be notified of all HMO applications as it is not required, and they do not have the power to compel statutory agencies to share information regarding the “fit and proper person” test.</p>
3.16	<p>(5) Time Limits for Council to process an HMO application.</p> <p>Paragraph 12 of Schedule 2 sets out a time limit of 3 months for a Council to process an HMO licence application. Any extension to this time limit must be passed in a Magistrates’ Court. If a decision on a licence has not been made within the time limit, the licence is treated as granted (deemed).</p>
3.17	<p>The requirement for an extension to the time limit to be made through a formal application to the Court is incurring significant expenditure legal costs and officer time in resourcing, with the Court service also querying the number of applications received in this regard. The Department recognises the requirement for an application to have a decision in as short a time as possible but also recognises the difficulties faced by Councils in this regard and accepts that with the requirement to ascertain the “fit and proper” status of any landlord or managing agent then deemed licences should where possible be avoided. The Department proposes extending this time limit.</p>
3.18	<p>(6) The Houses in Multiple Occupation Regulation (Fees)</p> <p>Under the above Regulations, the maximum fee that can be charged to process a licence application is £45. The licensing scheme on transfer to Councils in 2019 was designed by DfC and by NI Assembly to be self-financing for Councils and their ratepayers. On review by DfC, it is acknowledged that this upper limit of £45 will have to be reviewed to ensure that the income generated by the licensing scheme continues to meet the full costs of operating and delivering the scheme so that this is not a new or additional burden to ratepayers.</p>
3.19	<p><u>Overprovision concerns</u></p> <p>The Department has indicated in the report that it will not progress some of the changes requested, such as, changes to definitions including in respect of a house in multiple occupation and living accommodation, the reasoning for which is set out in the main report. One of the key issues raised by the Council in its response to the Review was the issues around “Over provision” and the inability of the HMO Act to deal with the cumulative impacts of a disproportionately high amount of HMOs in some areas. In particular, the issue of overprovision of HMO properties resulting in high density clusters remains an area of concern as the new licensing regime does not address such areas already in existence.</p>
3.20	<p>In this Review DfC acknowledge that the issues around overprovision raised by both Councils and landlords, with very differing views on each side. DfC acknowledged that the policy intention of the new licensing regime is to prevent new areas being over-provided in the future. It does not have the scope to reduce over-provision in existing areas that already have a high number of HMOs and have concluded that the issue of historical overprovision is outside of the scope of the Act and therefore of the Review.</p>

3.21	The main purpose of the review was to look at how the licensing scheme was performing and to look at changes required to improve the administration of the scheme. The proposed legislative changes are welcomed by officers; however, it is acknowledged that there are a number of changes that will take time to progress by DfC due to the absence of the NI Assembly.
3.22	DfC has acknowledged the operational changes made by Belfast City Council since the introduction of the scheme that will drive an improvement in the areas highlighted as part of the Review, for example, the roll out of the Landlord Training scheme.
3.23	In conclusion, the new HMO licensing scheme is now in its final year of the first five year term since it transferred from the NIHE's Registration system. The Review undertaken by DfC has provided the Council and other stakeholders with the opportunity to provide feedback on the benefits and challenges involved in administering and delivering the scheme. The outcome of the actions proposed by DfC in terms of proposed legislative changes are likely to take time to implement and the proposal in particular to change the threshold of the maximum fees that can be charged will need to be kept under review to ensure that the Council can continue to deliver the service on a self-financing basis.
3.24	<p><u>Financial and Resource Implications</u></p> <p>Any delays in changing the legislation to allow the Council to raise fees in excess of the current legal maximum threshold of £45 will have financial implications for the Council as the delivery of the HMO service is based on a self-financing model. Therefore, officers will continue to engage with DfC on this issue and provide an update to members at the earliest opportunity.</p>
3.25	<p><u>Equality and Good Relations Implications</u></p> <p>There are no equality or good relations issues associated with this report.</p>

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Subject:	Notices of Motion – Annual Update
Date:	16 th August 2023
Reporting Officer:	Kate Bentley, Director of Planning and Building Control
Contact Officer:	Christina Bateson, Business Research and Development Officer

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

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

1.0	Purpose of Report or Summary of main Issues
1.1	This report provides an annual update on the Notices of Motion that the Licensing Committee is responsible for, in line with the agreement of the Strategic Policy & Resources (SP&R) Committee that all standing committees receive regular updates.
2.0	Recommendations
2.1	It is recommended that the Committee: <ul style="list-style-type: none"> Notes the updates to all Notices of Motion that this Committee is responsible for as referenced in Appendix 1; and

	<ul style="list-style-type: none"> Agrees to the closure of 2 Notices of Motion, as referenced in Appendix 1 and noted in paragraph 3.4 below.
3.0	Main report
3.1	<p>At the SP&R Committee meeting on 25th October 2019, members agreed “<i>that this Council notes that other Councils produce a monthly status report in relation to Notices of Motion; and agrees Belfast City Council adopts a similar practice and produces a monthly Notice of Motion Update which will be brought to each full Council Meeting, detailing the following:</i></p> <ol style="list-style-type: none"> <i>Date received</i> <i>Notice of motion title</i> <i>Submitted by which Councillor</i> <i>Council meeting date</i> <i>Committee motion is referred to</i> <i>Outcome of committee where Notice of Motion will be debated</i> <i>Month it will be reported back to committee</i> <i>Other action to be taken.”</i>
3.2	<p>Accordingly, Licensing Committee will be provided with an annual report containing an overview of the actions taken and the progress of each motion that the committee is responsible for.</p>
3.3	<p>At the SP&R Committee on 20th November 2020, members approved the arrangement for the future management of motions, which included recommendations that Notices of Motion could be closed for one of two reasons:</p> <ul style="list-style-type: none"> Category 1 – Notice of Motion contained an action that has been completed. All Notices of Motion within this category contained a specific task that has since been complete. It is worth noting that, when Committee agree to action a Notice of Motion, there are sometimes additional actions agreed alongside the Motion. As these are not technically part of the Notice of Motion, they are taken forward through normal committee decision making processes. The Notice of Motion can therefore be closed, but additional actions related to it will continue to be progressed and reported to the committee. Category 2 - Notice of Motion has become Council policy or absorbed into a strategic programme of work. These Notices of Motion did not contain a specific task that could be complete but rather they are more strategic in nature and require changes in Council policy and/ or

	<p>strategy for long term outcomes. Those listed within this category have all been agreed by Committee and are now either Council policy or are currently being implemented through a Council strategy that is managed by a Standing Committee through the corporate planning process.</p>
3.4	<p>There are presently 3 Notices of Motion and Issues Raised in Advance for which the Licensing Committee is responsible for. Members are asked to approve the recommendation to close 2 motions (detailed below) and note status updates for the remaining 1 motion which remains open. Additional information is included at Appendix 1.</p> <p>Category 1 Recommended Closures:</p> <ul style="list-style-type: none"> • Sexual Harassment (ID = 11) • To reconsider the refusal of a Designating Resolution for a Street Trading Site in King Street (ID = 242)
3.5	<p><u>Financial & Resource Implications</u></p> <p>There are no additional financial implications attached to this report. Finance and resource implications are considered by Committee when taking decisions on the specific Notices of Motion and Issues Raised by Members.</p>
3.6	<p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>There are no equality, good relations or rural needs implications contained in this report.</p>
4.0	Appendices – Documents attached
	Appendix 1: Notices of Motion Live Database – Licensing Committee

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Licensing Committee Notice of Motions

Notices of Motion and Issued Raised in Advance that remain OPEN

ID	Date	Notice of Motion	Proposed By	Referral Route	Lead Officer	Latest Status Update
265	23/08/2022	Drink Spike Testing Kits in Licensed Premises	Cllr Murray	Notice of Motion - referred to Licensing Committee	Kate Bentley	At a meeting of the Licencing Committee on 21st September it was agreed that the motion would be adopted and that a report on how this motion might be facilitated, resourced and managed would be presented to a future meeting. A meeting was organised in January 2023 with Hospitality Ulster and PSNI to explore recent initiatives aimed at creating a safer and more inclusive night-time economy. Further to the meeting in January it is clear any initiative to deal with drink spiking should be led by the PSNI as they have the relevant enforcement powers. Through the PCSP, they have already undertaken some work in this area and additional research is now required to explore how this NoM might be progressed.

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Notices of Motion and Issued Raised in Advance recommended to CLOSE

ID	Date	Notice of Motion	Proposed By	Referral Route	Lead Officer	Update / Latest Status
11	03/12/2018	Sexual Harassment	Cllr McReynolds	Notice of Motion – referred to Licensing	Kate Bentley (Stephen Hewitt)	<p><u>Recommend to Close (Cat 1)</u></p> <p>Activity on this NoM has been greatly impacted firstly by the global pandemic which saw the hospitality sector affected by government restrictions resulting in temporary closures of businesses in 2020 and 2021 and more recently by the cost-of-living crisis which is now having a significant impact on the sector. Initial meetings took place pre-pandemic, and a recent meeting was organised in January 2023 with Hospitality Ulster and PSNI to explore recent initiatives aimed at creating a safer and more inclusive night-time economy. Hospitality Ulster and the PSNI have recently launched the 'Ask for Angela' initiative in NI and are working with TEO on a task force tackling sexual violence against women. Discussion is ongoing to agree a date for Hospitality Ulster to attend the Licensing Committee meeting in April to provide an update.</p> <p>At the meeting on 12th April 2023, Licencing Committee was provided with an update on this motion including information on local industry led</p>

						<p>initiatives to tackle sexual harassment within the city's night-time economy. These include Ask Angela (HU & PSNI leading); Women's Night Safety Charter (HU leading); White Ribbon NI (HU leading); Strategy to End Violence Against Women and Girls (TEO leading) and QUB zero-tolerance policy.</p> <p>Mr C Neill and Det Supt L Fisher representing Hospitality Ulster and the Police Service of Northern Ireland respectively, attended committee to provide further information on the initiatives and answer any queries raised by Members.</p> <p>Members noted the information that was provided and no further action was required. Accordingly, the NoM has been completed and may be closed.</p>
242	16/03/2022	To reconsider the refusal of a Designating Resolution for a Street Trading Site in King Street	Cllr McCusker	Issue Raised in Advance (Licensing)	Kate Bentley	<p><u>Recommend to Close (Cat 1)</u></p> <p>At the Licencing Cttee meeting on 16th March 2022, the Committee voted to reconsider the decision of its meeting of 10th March 2021, to refuse to designate a street trading site in King Street. Building Control have commenced a further designation process to determine if King Street should be designated and are engaging with partners such as PSNI as part of this process. Once this process has been completed a report will be brought back to committee for consideration.</p>