

Licensing Committee

Tuesday, 4th November, 2008

SPECIAL MEETING OF LICENSING COMMITTEE

Members present: Councillor Kirkpatrick (Chairman); and
Councillors Attwood, Austin, D. Dodds, Ekin,
Jones, Lavery, C. Maskey, Moore, Rodgers,
Rodway and Stalford.

In attendance: Mr. W. Francey, Director of Health and Environmental
Services;
Ms. S. Wylie, Head of Environmental Health;
Mr. J. Walsh, Principal Solicitor; and
Mr. J. Heaney, Committee Administrator.

Apology

An apology for inability to attend was reported from Councillor O'Reilly.

THE COMMITTEE DEALT WITH THE FOLLOWING ITEM IN PURSUANCE OF THE POWERS DELEGATED TO IT BY THE COUNCIL AT ITS MEETING ON 1st MAY, 2007 IN ACCORDANCE WITH STANDING ORDER 56

Consideration of the Designation of Streets as Suitable for Street Trading

(Ms. P. Morrow, Acting Tourism Development Manager, and Ms. C. Mathers,
Cultural Tourism Officer, attended in connection with this Item)

The Committee considered the undernoted report in respect of the designation of
streets within the City as suitable for Street Trading:

“Relevant Background Information

Members will recall that in April 2007 the Committee granted approval to initiate the statutory process for designating a number of street trading sites relating to 28 streets or part thereof. These sites have been identified as a result of applications or expressions of interest from individual traders and from the Council's Development Department. The Development Department commissioned a feasibility report on outdoor markets and subsequent Committee discussions suggested that Fountain Street, College Street, areas in the Cathedral Quarter and around Lanyon Place might make suitable locations for individual street trading pitches.

The initial step of consultation has been completed, with the publication of the Statutory 28 Day Notice inviting representation from interested parties or individuals in the Irish News, Belfast Telegraph and News Letter on the 20th July 2007. The Notice detailed the streets or part thereof and commodities for consideration (See Appendix E).

The Environmental Health Service also wrote to the Statutory Consultees inviting representation and to other interested parties including Belfast City Centre Management and Belfast Chamber of Trade and Commerce. Consultees were asked, in determining the suitability of each proposed street or part thereof, to take into account the following and any other issues that they considered relevant:

- (a) the safety of the public and any risks which may arise;
- (b) the future development plans for the location;
- (c) the appropriateness and suitability of the street and part thereof and commodities in relation to the location and to the potential adverse impact that it would have upon the character and appearance of Conservation Areas and on adjacent Listed Buildings;
- (d) the extent to which the sale of the commodity will provide a useful service to the local community, not otherwise provided in the area;
- (e) the potential environmental effects arising from the sale of the commodity, such as additional litter, cleansing requirements, noise, odour and the possibility of increasing anti-social activities;
- (f) Any statutory grounds, which would lead to refusal.

Consultees were also asked to include consideration of those commodities or services, which may or may not be sold or supplied in the event that the street or part thereof is the subject of a Designating Resolution.

In addition, adjoining and close by premises were consulted and four public meetings were held in City Hall to inform retailers, market traders, arts groups and craft groups about the consultation process and to ask for their views through written representation.

Responses have been received from over 25 groups and individuals as a result of the public consultation. Responses have also been received from the Police, Fire and Rescue Service and the Department for Social Development, the Roads Service and City Centre Regeneration Directorate.

Additionally, the Council commissioned Professor Bill Morrison a Consultant Planner, to assess, from a planning perspective, those City centre streets and areas that are proposed for designation and to offer an opinion as to whether all or part of those streets (roads, footpaths and/or public places as defined in the Act) should be the subject of a Designating Resolution.

Professor Morrison also took into account the comments received from the DOE Planning Service; DSD Regeneration Directorate; PSNI; Roads Service, and Belfast City Council Pollution Control. He was also invited to examine the Ferguson and McIlveen Outdoor Markets Feasibility Report presented in draft to Belfast City Council in November 2005, and to have regard to the views of the former Markets Manager.

The remainder of this report therefore sets out a summary of the written submissions received, the full details of which are attached as appendices to the report.

Key Issues

Committee will recall that at previous meetings they have considered 10 of the 28 streets (see Appendix E). At this meeting, you are asked to consider a further 10 streets.

Additional streets will be brought forward to subsequent meetings in a way which will allow effective management of the process and meetings of the Committee

Each street is identified below with the specific site location and the commodities being considered where appropriate, with a synopsis of the comments received during the consultation period.

In considering each street or part thereof, Members should decide whether to approve or refuse the designation of the whole or part (sites) of the street and any restriction to be placed on the commodity or service to be provided.

A. Cathedral Quarter

The first four of the sites to be considered are in the Cathedral Quarter and were originally proposed by the Development Committee.

General comments regarding the Cathedral Quarter

The Committee will be aware that the Council's Cultural Tourism Strategy, 'Developing Belfast's Opportunity', aims to develop cultural tourism activity and enhance the quality of the visitor experience in

the Cathedral Quarter. The Cathedral Quarter is the oldest and most distinctive area of Belfast. Designated a Conservation Area in 1990, in recent years the Quarter has taken on a pivotal role as the cultural heart of Belfast and is now home to over 50 arts organisations.

To ensure alignment with this policy it is essential that any Street Trading within Cathedral Quarter reflects its distinctive character i.e. a designated conservation and cultural area. Cultural tourists now expect a unique offering of high quality indigenous products. It is crucial to adhere to this in order to compete with other European cities.

It would be extremely detrimental to the area if stalls selling mass produced products such as tourist souvenirs and memorabilia were to be facilitated and this would seriously compromise its unique character. Businesses surveyed were emphatic that a high quality be maintained.

A number of individuals and organisations also made representation regarding the general proposals for the Cathedral Quarter, a synopsis of their comments is attached as Appendix B. Below is a synopsis of the most notable comments received.

Council's
Development
Committee at its
meeting on the
7th March 2008

it is recommended licences be strictly confined to the following commodities and that restrictions and conditions be included:

Arts - visual arts of all disciplines such as fine art, print, photography

Crafts – such as jewellery, ceramics, sculpture, pottery, clothing,

Flowers and books.

NB: Products should be original, locally produced and hand-made by professional, indigenous artists and designers.

Any licence should include strict enforcement measures in terms of quality and appropriateness of merchandise.

BCC Building
Control

From a general perspective, any street trading pitch should be so sited that it does not jeopardise the means of escape from any adjacent building and careful consideration should be given to the potential impact any pitch may have on people with disabilities.

In relation to the proposals to hang works for sale on buildings or from cabling attached to buildings any potential for such to cause damage to those buildings or to give rise to a danger to those adjacent to the pitch should be assessed and approved by a suitably qualified person prior to any such pitch being granted a licence to trade.

Houston
McKelvey
Dean of Belfast

St Anne's Cathedral is a listed building. It is maintained without any assistance from public funds. Its ambience for the tourist – apart from the worshipper – needs to be recognised and safeguarded. The Cathedral is the second biggest free visitor attraction in the city – second only to the City Hall. Each year in itself, it attracts some 50,000 visitors into the Cathedral Quarter. This major draw for the Quarter should not be put at risk for activities which in the sum total of things may – or may not - bring a very limited marginal increase in visitors or income into the area.

The Cathedral has no objection to the designation of Cotton Court, Commercial Court and Hill Street – the portion from the junction with Gordon Street to the junction with Waring Street for the purposes of street trading.

The Cathedral has no objection to the granting of subsequent licences on a Sunday from 10am to 7pm in the above three streets.

The Cathedral would be opposed to any amplified music or live music performances on a Sunday between the hours of 10am to 12.30pm and 3pm to 5pm.

The Cathedral would like to see strict control of the commodities sold, they should be arts and crafts, paintings and photographs or similar items.

1. (Site 18) Cotton Court (Waring Street) for the sale of arts and crafts

The site, if designated, would be used during the day. The available space is very small and therefore one central display hanging area on which artists and crafts people could display their work for sale is proposed.

Following consultation the Development Committee at its meeting on the 7th March 2008 (attached as Appendix A) made a recommendation regarding this area in the Cathedral Quarter and strongly recommended that Street Trading be restricted to Sundays only between 10.00am and 7.00pm in order to develop a unique attraction in Belfast.

Comments Received Appendix C:

- | | |
|------------------------------|---|
| DSD | DSD notes that the proposal already addresses the lack of space in Cotton Court, Hill Street and Commercial Court, which would have been a concern in relation to the health and safety of the public. DSD is content with the proposal, subject to property owners' consent, for artists to sell arts and crafts in these areas displayed on the walls of properties or suspended from specially erected cables. |
| PSNI | Would support this proposal, but it should only be initially for 11am - 1800hrs on Sundays. Part of the area is already used by adjoining restaurants for a seating area; therefore, the space available is more limited. This site would not be appropriate for weekday usage because of the busy area and the impact on traffic. Consideration could be given to Saturdays, but this may affect the businesses already in the area. |
| Roads Service | Area not adopted by Roads Service – no comment. |
| Planning Service | No planning objections |
| BCC Pollution Control | It is considered unlikely that the commodity for sale at this pitch will cause an impact on the environment and amenity of the local areas. However, we would recommend a standard requirement as will be the case with all, that no amplified music, speakers, use of loudspeakers are permitted at any location. |
| BCCM and Chamber | 32 businesses were surveyed in Church Street, Commercial Court, Cotton Court, Donegall Street, Gordon Street, Hill Street, Waring Street and Writers Square and of those, 53% of businesses stated that they would benefit from |

street trading. This is due to the type of commodity indicated; however, the businesses were emphatic that arts and crafts commodities should be of a high quality.

Bill Morrison Controlled street trading in arts and crafts in this location would add to vitality and enhance the community and cultural appeal of the Cathedral Quarter. I recommend accordingly that Cotton Court be designated for the purposes of street trading, strictly confined to arts and crafts. Any licence should be limited to a single stall.

2. (Site 19) Hill Street for the sale of arts and crafts

The site, if designated, would be used during the day. This street is narrow and does not offer realistic space for stalls. Therefore, it is envisaged that traders (with property owners' consent) would hang work for sale on the walls of the buildings. At the time of writing this report property owners still have not given their formal consent. However, they have agreed in principle to the proposal.

Following consultation, the Development Committee at its meeting on the 7th March 2008 (attached as Appendix A) made a recommendation regarding this area in the Cathedral Quarter and strongly recommended that Street Trading be restricted to Sundays only between 10.00am and 7.00pm in order to develop a unique attraction in Belfast.

Subsequently, Officers from the Council met with DSD regarding the possible closure of the street at the junction with Gordon Street on a Sunday. This would have dealt with any traffic concerns there may be and allowed for the development of the area and create a mixture of café culture and arts / crafts sales on a Sunday. DSD were very positive regarding the closure on a Sunday and were willing to put in a planning application on the Council's behalf to DRD. The Roads Service has however subsequently advised the Council that the closure of Hill Street would require completely new legislation to control access to the street. As Committee will be aware this can take a long time and there may be some issues as to whether or not Roads Service would have the powers to do this for a market or street trading.

Comments Received

DSD DSD notes that the proposal already addresses the lack of space in Cotton Court, Hill Street and Commercial Court, which would have been a concern in relation to the health and safety of the public. DSD is content with the proposal,

subject to property owner's consent, for artists to sell arts and crafts in these areas displayed on the walls of properties or suspended from specially erected cables.

PSNI

Sundays only - the area is too busy with traffic and business other days of the week. 11am to 1800 maximum hours - to bring life to the area in the daytime avoids conflict with nightlife hours.

No trestle tables or use of pavement to display wares. The area is very congested. The proposal outlined indicated goods hanging from walls in the area or on railings. This would need to be appropriate and with small pitches that can be supervised and not leading to opportunities for theft.

Consideration should be given to the street being designated as pedestrian only for a Sunday. This is a very narrow street and anything other than two persons on a pavement creates a risk of people being exposed to vehicles, especially if admiring arts and crafts.

Roads Service

No objection.

Planning Service

No planning objections subject to it being carefully managed in order to ensure a quality presentation.

BCC Pollution Control

It is considered unlikely that the commodity for sale at this pitch will cause an impact on the environment and amenity of the local areas. However, we would recommend a standard requirement as will be the case with all, that no amplified music, speakers, use of loudspeakers are permitted at any location.

BCCM and Chamber

32 businesses were surveyed in Church Street, Commercial Court, Cotton Court, Donegall Street, Gordon Street, Hill Street, Waring Street and Writers Square and of those, 53% of businesses stated that they would benefit from street trading. This is due to the type of commodity indicated; however, the businesses were emphatic that arts and crafts commodities should be of a high quality.

- Philip Gallagher
Javaman Coffee** Mr Gallagher emailed the Council and wrote that Hill Street should have sites allocated for a small hot food and beverage cart.
- Bill Morrison** This is a pro-active proposal to encourage appropriate street trading in arts and crafts in the Cathedral Quarter, the vision for which is to create a lively youthful arts cultural quarter in the heart of the city. It is acknowledged that the street is narrow and does not offer realistic space for stalls. The proposal is sound in concept if licences can be strictly confined to artwork that with owner consent can be hung from the facades of buildings. It is accordingly recommended that the proposal be fully facilitated by the designation of the whole of Hill Street for street trading, but the Council would be well advised to move forward cautiously with the granting of licences.

3. (Site 20) Commercial Court for the sale of paintings and photographs

The site, if designated, would be used during the day. Commercial Court is too narrow to permit a stall placed on the ground. It is proposed, with property owners' consents, to erect cables running across Commercial Court from which artists and photographers would be invited to hang and sell their work. At the time of writing this report property owners still have not given their formal consent. However, they have agreed in principle to the proposal.

Following consultation the Development Committee at its meeting on the 7 March 2008 (attached as Appendix A) made a recommendation regarding this area in the Cathedral Quarter and strongly recommended that Street Trading be restricted to Sundays only between 10.00am and 7.00pm in order to develop a unique attraction in Belfast.

Comments Received

- DSD** DSD notes that the proposal already addresses the lack of space in Cotton Court, Hill Street and Commercial Court, which would have been a concern in relation to the H&S of the public. DSD is content with the proposal, subject to property owners' consent, for artists to sell arts and crafts in these areas displayed on the walls of properties or suspended from specially erected cables.

PSNI	The walls in Commercial court are mostly covered already with flower boxes and there would be problems with many of the premises regarding allowing use of the walls. Any use of trestle tables would create safety and congestion issues especially with the Duke of York already having a seating area outside. A licence should only be considered if it has the full support of the businesses on this street.
Roads Service	No objection
Planning Service	No planning objections subject to it being carefully managed in order to ensure a quality presentation.
BCC Pollution Control	It is considered unlikely that the commodity for sale at this pitch will cause an impact on the environment and amenity of the local areas. However, we would recommend a standard requirement as will be the case with all, that no amplified music, speakers, use of loudspeakers are permitted at any location.
BCCM and Chamber	32 businesses were surveyed in Church Street, Commercial Court, Cotton Court, Donegall Street, Gordon Street, Hill Street, Waring Street and Writers Square and of those, 53% of businesses stated that they would benefit from street trading. This is due to the type of commodity indicated; however, the businesses were emphatic that arts and crafts commodities should be of a high quality.
Bill Morrison	The proposition is that artists and photographers (with property owners' consent) would hang paintings and photographs for sale from cables strung across Commercial Court. This is a pro-active proposal to encourage appropriate street trading in arts and crafts in the Cathedral Quarter, the vision for which is to create a lively youthful arts cultural quarter in the heart of the city. It is acknowledged that Commercial Court is a narrow entry and does not offer realistic space for stalls. The proposal is nevertheless sound in concept if licences can be strictly confined to artwork that with owner

consent can be hung from the facades of buildings. It is accordingly recommended that the whole of Commercial Court be designated for street trading.

4 (Site 21) Writers Square for the sale of books

The Development Department had originally proposed the above site and commodities for designation. The square, if designated, would be used during the day. Following further feedback and discussions with those living and working in the Cathedral Quarter, the Development Department would no longer support the designation of this area for the following reasons:

1. Since this is a new initiative, it may be better to first establish, prove demand for and promote street trading in a smaller and more concentrated area.
2. There is a need to ascertain if there is a significant demand from street traders for stalls selling books in this area.
3. The future of Writers' Square is still uncertain – discussions are currently underway between DSD and the Cathedral Quarter Steering Group as to its future role within in the new North East Quarter Development.
4. There is concern from St Anne's Cathedral that noise from activity in Writers' Square will affect church services.

Comments Received

DSD DSD own Writers Square and this is currently used as an events space. DSD considers that licensed street trading could provide an attraction for Writers Square as it could bring activity to the area that may counter some of the existing anti-social behaviour problems. However, it should be noted that this area will be redeveloped as part of the North East Quarter development.

PSNI The Square is currently used as an eating area and park area at lunchtimes and by local workers. Over congestion with stalls would affect the image. Clearly, people calling out for trade would also affect the tranquillity of the environment of the Cathedral.

Roads Service	Area not adopted by Roads Service – no comment
Planning Service	No planning objections
BCC Pollution Control	It is considered unlikely that the commodity for sale at this pitch will cause an impact on the environment and amenity of the local areas. However, we would recommend a standard requirement as will be the case with all, that no amplified music, speakers, use of loudspeakers are permitted at any location.
BCCM and Chamber	32 businesses were surveyed in Church Street, Commercial Court, Cotton Court, Donegall Street, Gordon Street, Hill Street, Waring Street and Writers Square and of those, 53% of businesses stated that they would benefit from street trading. This is due to the type of commodity indicated; however, the businesses were emphatic that arts and crafts commodities should be of a high quality.
Houston McKelvey Dean of Belfast	<p>St Anne’s Cathedral is a listed building. It is maintained without any assistance from public funds. Its ambience for the tourist – apart from the worshipper – needs to be recognised and safeguarded. The Cathedral is the second biggest free visitor attraction in the city – second only to the City Hall. Each year in itself, it attracts some 50,000 visitors into the Cathedral Quarter. This major draw for the Quarter should not be put at risk for activities which in the sum total of things may – or may not - bring a very limited marginal increase in visitors or income into the area.</p> <p>The proposal to use Writer Square for trading will cause concern to the Cathedral Clergy, Board and members due to potential for :-</p> <ul style="list-style-type: none">a. Noise while activities are taking place in the Cathedral such as funerals, weddings, etc.b. Additional litter created and the subsequent cleaning particularly if this takes place on Sundays or in the evening when the Cathedral is in use e.g. healing services.

- c. The off-loading and erection, etc. of trading pitches will cause serious traffic problems in Donegall Street, Talbot Street and Academy Street which are already heavily congested.
- d. Anti-social activities may increase in Writer Square and to prevent problems proper policing needs to be assured to stop graffiti spraying, etc., which has affected the Cathedral in the past. Individuals begging for money are an increasing problem and with the influx of people attracted by the trading pitches this activity may increase.

Bill Morrison For the purposes of this assessment, it is assumed that the recently created Writers' Square constitutes a public place for the purposes of the Act. The proposition, consistent with the name Writer's Square, is that it would be appropriate to afford opportunity for street trading in books. In my opinion, it is unlikely that anti-social behaviour would be exacerbated through the introduction of one or two stalls trading in books. There is no obvious portion of the Square to which a trading pitch could be directed, and if the commodity is confined to books no harm would be caused by designating the entire square. In time, it may be considered to be appropriate to extend the number of stalls and commodities to be sold, but the Council is advised to move cautiously with the granting of licences. In the first instance, no more than two stalls should be considered. I recommend accordingly that the whole of Writers' Square be designated for the purposes of street trading.

B. Other Sites

- 5. (Site 8) College Street – at Unit 7, Fountain Centre with the Commodity and/or Service to be determined.

The Development Department and Mr James Fitzpatrick, property owner of the Fountain Centre have proposed the above site and commodities for designation. The site, if designated, would be used during the day. The site is located outside Sawyers, they have expressed a desire to have the pitch designated to allow them to place a stall outside their shop.

DSD	DSD is proposing to extend Disabled Parking along the north side of College Street as part of the Streets Ahead Scheme. Given the space required for disabled parking and opening of car doors, position 8 would not be possible as indicated. It may be possible to accommodate this on the opposite side of the street, but detailed vehicle tracking analysis would be required to prove that this position would not interfere with Council refuse collections or other vehicle movements.
PSNI	Would have concerns about these pitches. Work is underway with SW Quarter Masterplan and Streets Ahead to improve the image of this area and it would be imperative that any new stalls created are in keeping with this. Creating rights in the area may hamper plans for this area. The lack of information on commodities is also a concern re the impact and image of the area. There could be issues with congestion and especially with image of the area in relation to the stall at Wellington Place and again at Castle Street end.
Roads Service	Existing (Sawyers) shop already has stall at shop front; this may cause obstruction for pedestrians. Map shows stall tight to building but site observations on Saturdays indicate that this can also be placed remote from shop. A remote stall has the potential to cause obstruction for delivery vehicles.
Planning Service	No planning objections
BCC Pollution Control	In the above cases, the commodity for sale has not been identified therefore making a determination difficult. However, given that these locations are within sensitive commercial areas where noise and other environmental complaints have arisen from street trading and entertainment in the past, it is likely that controls will be required for the daytime use, particularly in terms of controlling noise from these sites.
BCCM and Chamber	38 businesses were surveyed in Castle Street, College Street, Fountain Street and Fountain Lane and of those, 61% of existing businesses

stated that street trading would have a negative impact on their business. It should be noted that a number of businesses had experience of this with current licensed street trading.

Bill Morrison

College Street is a busy pedestrian and service street linking College Square East across Queen Street with the primary shopping streets. The Streets Ahead programme proposes to extend Disabled Parking along the north side of College Street.

In my opinion, having due regard to future plans for public realm and to vehicle servicing, this proposal would not be desirable. I recommend accordingly that this part of the street should not be designated for the purposes of street trading.

6. (Site 9) College Street - at junction with Fountain Street with the Commodity and/or Service to be determined.

The Development Department has proposed the above site and commodities for designation. The site, if designated, would be used during the day. This site is located outside the Windsor bakery.

DSD

Would require vehicle tracking to ensure that enough space is available for vehicles to make the turn from Fountain Street and again pass the disabled spaces whilst maintaining adequate pedestrian movement and line of sight to shop fronts and doorways.

PSNI

Would have concerns about these pitches. Work is underway with SW Quarter Masterplan and Streets Ahead re the image of this area and it would be imperative that any new stalls created are in keeping with this. Creating rights in the area may hamper plans for this area. The lack of information on commodities is also a concern re the impact and image of the area. There could be issues with congestion and especially with image of the area in relation to the stall at Wellington Place and again at Castle Street end.

Roads Service

Likely to interfere with swept path of delivery vehicles – could only comment fully when commodity and size if pitch has been determined. The type of commodity is

important to establish if the stall has the potential to have an effect on local traffic. A food stall, for example, may encourage vehicles to park to buy from the stall causing increased congestion. There is also the issue of servicing the stall in terms of volume of produce and replenishment.

Planning Service	No planning objections
BCC Pollution Control	In the above cases, the commodity for sale has not been identified therefore making a determination difficult. However, given that these locations are within sensitive commercial areas where noise and other environmental complaints have arisen from street trading and entertainment in the past, it is likely that controls will be required for the daytime use, particularly in terms of controlling noise from these sites.
BCCM and Chamber	38 businesses were surveyed in Castle Street, College Street, Fountain Street and Fountain Lane and of those, 61% of existing businesses stated that street trading would have a negative impact on their business. It should be noted that a number of businesses had experience of this with current licensed street trading.
Bill Morrison	<p>Consistent with previous (site 8), College Street is a busy pedestrian and service street linking College Square East across Queen Street with the primary shopping streets. The Streets Ahead programme proposes to extend Disabled Parking along the north side of College Street</p> <p>In my opinion, having due regard to future plans for public realm and to vehicle servicing, this proposal would not be desirable. I recommend accordingly that this part of the street should not be designated for the purposes of street trading.</p>

7. (Site 10) Fountain Street, 20 ft. from the junction with Wellington Place with the Commodity and/or Service to be determined.

The Development Department has proposed the above site and commodities for designation. The site, if designated, would be used during the day.

DSD	DSD would want the positioning of a designated site to be parallel with the tramlines or along the same line as the other street furniture.
PSNI	Would have concerns about these pitches. Work is underway with SW Quarter Masterplan and Streets Ahead re the image of this area and it would be imperative that any new stalls created are in keeping with this. Creating rights in the area may hamper plans for this area. The lack of information on commodities is also a concern re the impact and image of the area. There could be issues with congestion and especially with image of the area in relation to the stall at Wellington place and again at Castle Street end.
Roads Service	The type of commodity is important to establish if the stall has the potential to have an effect on local traffic. A food stall, for example, may encourage vehicles to park in Wellington Place to buy from the stall causing increased congestion. There is also the issue of servicing the stall in terms of volume of produce and replenishment.
Planning Service	No planning objections
BCC Pollution Control	In the above cases, the commodity for sale has not been identified therefore making a determination difficult. However, given that these locations are within sensitive commercial areas where noise and other environmental complaints have arisen from street trading and entertainment in the past, it is likely that controls will be required for the day time use, particularly in terms of controlling noise from these sites.
BCCM and Chamber	38 businesses were surveyed in Castle Street, College Street, Fountain Street and Fountain Lane and of those, 61% of existing businesses stated that street trading would have a negative impact on their business. It should be noted that a number of businesses had experience of this with current licensed street trading.

**Bill
Morrison**

Fountain Street is a high footfall pedestrian street linking Donegall Place with Castle Street, with an important additional function of providing service access to major shops in Donegall Place. There are no planning grounds to oppose designation of that part of the street from College Street to Wellington Place.

In my opinion, street trading is not likely to cause significant harm to townscape and controlled street trading in this location could enhance the vitality of the City centre. Service vehicle movements would not be compromised at this end of the pedestrianised street. I recommend accordingly that this part of Fountain Street be designated for the purposes of street trading. No more than a single licence should be issued and positioning should have regard to future plans for public realm and to vehicle servicing. It should be confined to day time trade.

8. (Site11) Fountain Street - at junction with Fountain Lane with the Commodity and/or Service to be determined.

The Development Department has proposed the above site and commodities for designation. The site, if designated, would be for use during the day.

The Committee may wish to note that the South West Quarter masterplan will incorporate this location into the new Fountain Square. A City centre wide network of high quality streets and squares is central to the preferred concept masterplan. The creation of a new street through the heart of the quarter would act as a visible draw from Arthur Square along Castle Lane and offer a strong visual reference point. At the other end of the new street, a sensitively remodelled and reconfigured Bank Square would offer a peaceful retreat to relax and provide a much improved setting for St Mary's Church.

DSD

Under the Streets Ahead project, this site has been proposed as a location for artwork.

PSNI

Would have concerns about these pitches. Work is underway with SW Quarter Masterplan and Streets Ahead regarding the image of this area and it would be imperative that any new stalls created are in keeping with this. Creating rights in the area may

hamper plans for this area. The lack of information on commodities is also a concern re the impact and image of the area. There could be issues with congestion and especially with image of the area in relation to the stall at Wellington Place and again at Castle Street end.

**Roads
Service**

The type of commodity is important to establish if the stall has the potential to have an effect on local traffic. A stall at this location has the potential to interfere with delivery vehicles. Roads Service would only agree to a stall at this location if it is placed in a position where obstruction would not take place. BCC to establish with applicant if an alternative position can be agreed.

When asked for their advice on a suitable alternative location Roads Service commented that they would comment on specific proposals as submitted. These should be dimensioned to allow full consideration of the proposals as it relates to the existing streetscape. Where proposals exist to significantly alter the nature of the immediate environment such as proposals for the South West Quarter, they would suggest that any designation be limited to the existing layout and be reviewed again once the SW Quarter proposals have been fully developed.

**Planning
Service**

No planning objections

**BCC
Pollution
Control**

In the above cases, the commodity for sale has not been identified therefore making a determination difficult. However, given that these locations are within sensitive commercial areas where noise and other environmental complaints have arisen from street trading and entertainment in the past, it is likely that controls will be required for the day time use, particularly in terms of controlling noise from these sites.

**BCCM and
Chamber**

38 businesses were surveyed in Castle Street, College Street, Fountain Street and Fountain Lane and of those, 61% of existing businesses stated that street trading would

have a negative impact on their business. It should be noted that a number of businesses had experience of this with current licensed street trading.

Bill Morrison It is not recommended that designation be extended to include this pitch, as it is important that the site be reserved for a public art installation as proposed under the Streets Ahead public realm regeneration project.

Fountain Newsagency They are concerned about the effect a stall might have on their business. They raise the issue of vehicular access and state that quite often Fountain Street is grid locked with traffic.

9. (Site16) Cornmarket, more precisely Arthur Square – in space previously used by band stand for the sale of Hot & Cold Beverages, Confectionery and Cold Food

Mr Jack Bailie of 16 St. Judes Parade Belfast, has proposed the above site and commodities for designation. The site, if designated, would be used during the day.

DSD Conflicts with the Arthur Square artwork
PSNI position

Siting of any stalls in this area would be very inappropriate. DSD will be installing a new sculpture in the centre of this Square and is to designate it as an attractive public space. The placing of stalls in the area would greatly clutter the area and with the impact of the sculpture would congest the area and possible access and exit routes from the Victoria Square and other places in the area. Number 16 is actually on the site of the sculpture. There is sufficient provision in the area and the permitting of stalls in the area would go against the whole image of the area

Roads Service Site currently undergoing development by DSD and is earmarked for a public art installation.

Planning Service Not acceptable due to there being a proposed public art project at this location.

**BCC Pollution
Control**

Pitch is located in mainly commercial areas. As the sale of hot food is requested it is likely that these uses will give rise to noise, odour and litter etc therefore activities will need to be controlled by the use of conditions to mitigate any potential adverse environmental and amenity impacts.

**BCCM and
Chamber**

39 businesses were surveyed in Ann Street, Arthur Square, Arthur Street, Castle Lane, Cornmarket and William Street South and of those 69% of businesses see street trading as having a negative influence on trade. Businesses are particularly opposed to hot and cold food beverage stalls due to hygiene concerns, potential litter and anti-social behaviour. It should be noted that a number of businesses in this area had also experienced detrimental impact on trade with current licensed street trading.

**Michael
O'Hagan
Commercial
Director
Multi
Developments
(Victoria
Square)**

They are concerned about 'market trade activity' in or around Arthur Square, which is adjacent to their £320 million Victoria Square development. They believe that this type of activity creates a poor and unattractive appearance in a prime commercial location.

**Philip Gallagher
Javaman Coffee**

Mr Gallagher emailed the Council and wrote that the area should have sites allocated for hot and cold beverages and confectionery.

Bill Morrison

Cornmarket is a busy pedestrianised shopping street linking Arthur Square with High Street. It is broader than other pedestrianised streets around it and presents an attractive pedestrian environment well set off by the features of Arthur Square.

In managing the retail environment there are locations where it is sensible to prevent street trading from taking place. The power to designate streets can be

used effectively to rule out street trading in certain primary shopping streets where harmful consequences are foreseen. The Council has chosen to protect Donegall Place and Royal Avenue for this reason. In my opinion, the city's retail environment will be enhanced with the Victoria Square development, and Cornmarket will assume particular importance as the major approach to the centre. I therefore recommend that Cornmarket be regarded as a primary shopping street deserving of full protection from street trading.

With regard to Arthur Square, it is particularly important to protect the setting of listed buildings, and to take due account of the public realm regeneration that will be focused on this area – including a major artwork installation in Arthur Square as proposed under the Streets Ahead public realm regeneration project. I therefore recommend that no part of Cornmarket/Arthur Square be designated for the purposes of street trading.

10. (Site 17) Cornmarket- outside John Frazer with the Commodity and/or Service to be determined.

The Health and Environmental Services Committee at a special meeting on 8th October 2003, when considering the designation of the above site decided to refuse to designate the site. However, the Committee agreed to review this, at a future date, following the completion of the Victoria Square Development, the suitability of the location for street trading.

DSD	The position shown would conflict with the store access to Frazer's shop. Arthur Square is a difficult area to accommodate stalls because of the vehicle and pedestrian movements that are required
PSNI	No issues
Roads Service	Site currently undergoing development by DSD
Planning Service	Not acceptable due to the street pitch being at a public area that will be used as the main entrance to Victoria Square.

BCC Pollution Control	In the above cases, the commodity for sale has not been identified therefore making a determination difficult. However, given that these locations are within sensitive commercial areas where noise and other environmental complaints have arisen from street trading and entertainment in the past, it is likely that controls will be required for the day time use, particularly in terms of controlling noise from these sites.
BCCM and Chamber	39 businesses were surveyed in Ann Street, Arthur Square, Arthur Street, Castle Lane, Cornmarket and William Street South and of those 69% of businesses see street trading as having a negative influence on trade. Businesses are particularly opposed to hot and food beverage stalls due to hygiene concerns, potential litter and anti-social behaviour. It should be noted that a number of businesses in this area had also experienced detrimental impact on trade with current licensed street trading.
David Frazer Director Frazer Apparel	Opposes the introduction of a site outside their premises. The site would visually impair their window frontage and would be contrary to the Streets Ahead programme.
Bill Morrison	Pitch No 17 is outside John Frazer (formerly Mooney's pub and a pitch more aptly described as in Arthur Square). Consistent with the above number 9, site 16, it is recommended that Arthur Square should not be designated for street trading.

General comments received regarding all proposals

Translink	Translink wrote to the Council and stated that the streets or part there of being considered today will not affect their operations.
Northern Ireland Fire and Rescue Service	The Fire Service wrote to the Council and stated that access to any property or fire hydrant or water supply for Fire Appliances, equipment and personnel should not be obstructed.

Resource Implications

Financial Implications

This cost of all Notices is included in current revenue budgets.

Human Resources

Administration of Street Trading Designation applications and the process of consultation can be accommodated by staff in Regulatory Services.

Asset and Other Implications

There are no implications.

Current Policy

Decisions will be made in accordance with the Council's Designation Policy. Attached as Appendix D

Recommendations

Based on evidence presented regarding the proposed designation of each of ten streets or part thereof, the Committee is asked to consider each street / area individually and to decide whether it wishes to:

1. Pass 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 may stipulate either:
 - 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

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 hours of trade, days of trade, duration of licence etc.

2. Refuse the designation.

Key to Abbreviations

The Act	-	The Street Trading Act (N.I.) 2001
BCTC	-	Belfast Chamber of Trade and Commerce
BCCM	-	Belfast City Centre Management
DRD	-	Department for Regional Development
DSD	-	Department for Social Development"

A Member expressed the view that the selection of the four locations within the Cathedral Quarter, which had been suggested as possible sites for individual street trading pitches by the Development Committee, appeared to be of an ad hoc nature. She enquired therefore if there was an overall plan for the area which would advance the concept of the Cathedral Quarter as a cultural location. She expressed concern that the individual pitches, if not properly regulated in terms of the commodities they were to sell and their hours of trading, could have an adverse effect on the overall quality of the Cathedral Quarter.

In response, the Principal Solicitor advised the Committee that it would have the opportunity, when granting the individual Street Trading Licences, to regulate the hours of trading and the types of goods and commodities sold at each location. The acting Tourism Development Manager informed the Members that the proposals for trading on a Sunday had been suggested by local hoteliers and restaurateurs in order to address the gap in the tourism product offer which they had identified. She advised the Committee that the Council co-operated with other interested parties, through the Cathedral Quarter Steering Group, in order to advance the development of the area.

The Committee then proceeded to consider the request for, or the expressions of interest in, the making of designating resolutions which had been received in respect of the various undernoted locations:

Cotton Court (Waring Street) for the Sale of Arts and Craft

The Committee, in its capacity as Licensing Authority, agreed, pursuant to Section 3 (1) of the Street Trading Act (Northern Ireland) 2001 to designate, with effect from 1st March, 2009, Cotton Court as a place in respect of which it might grant a Stationary Street Trading Licence for the sale of arts and crafts items. The Committee noted that when consideration was given to any requests for Stationary Street Trading Licences at Cotton Court which might be submitted it would be likely that, since there was limited space available, only one pitch would be permitted at that location and that, initially, trading would be limited to Sunday only.

Hill Street

Several Members pointed out that that Hill Street was narrow and did not offer realistic space for the erection of street trading stalls and suggested that, if possible, the street should be closed to vehicular traffic at its junction with Gordon Street during the hours at which street trading was permitted.

After discussion, the Committee, in its capacity as Licensing Authority, agreed, pursuant to section 3 (1) of the Street Trading Act (Northern Ireland) 2001 to designate, with effect from 1st March, 2009, Hill Street as a place in respect of which it might grant a Stationary Street Trading License for the sale of arts and crafts items. In deciding to designate, the Committee noted that discussions between Council officers and representatives of the Department for Social Development and the Department for Regional Development with regard to the possibility of the closure of Hill Street, at its junction with Gordon Street, during trading hours were ongoing. It noted also that, in the first instance, it was anticipated that trading would be limited to Sundays only and any concerns in relation to traffic and congestion within the vicinity would be addressed when the Committee considered the granting of individual Street Trading Licences at that location.

Commercial Court

After discussion, the Committee agreed, in its capacity as Licensing Authority, and pursuant to Section 3 (1) of the Street Trading Act (Northern Ireland) 2001, to designate, with effect from 1st March, 2009, Commercial Court as a place in respect of which it might grant a Stationary Street Trading Licence for the sale of paintings and photographs. In addition, the Committee noted that it was anticipated that, in the first instance, trading at this location would be limited to Sundays only.

Writers' Square

The Committee, having considered the comments and objections received in relation to the above-mentioned location, in particular, those received from the Dean of Belfast, The Right Reverend Houston McKelvey, and in view of the fact that the Development Department, which had originally proposed the site, had indicated that it could no longer support the designation process, agreed not to designate the site at Writers' Square as a place suitable for street trading. In addition, the Committee recommended that the Development Committee be advised of the decision.

College Street at Unit 7, Fountain Centre

The Head of Environmental Health drew the Committee's attention to the comments and the objections received in relation to the above mentioned location and, in particular, those objections which had been raised by the Department for Social Development in respect of the proposals made under the Streets Ahead Programme in relation to the provision at this location of disabled parking facilities. In addition, she referred the Committee to the advice which had been provided by the Council's consultant, Professor W. Morrison, that, having regard to the provision of disabled parking and to vehicle servicing, the Council should not proceed with the designation process at this site.

The Committee agreed not to designate the site at College Street, at Unit 7, Fountain Centre, as a site suitable for street trading.

College Street at its junction with Fountain Street

After discussion, during which the Members considered the concerns which had been raised in relation to access for delivery vehicles, the Committee agreed not to designate the site at College Street as a suitable location for which it might grant a Street Trading Licence.

The Committee noted that there were two stalls operating currently in College Street, however, as those stalls were connected directly to premises in the street, it had been determined that, under the Street Trading Act (Northern Ireland) 2001, they would not be deemed to be street trading pitches, providing certain conditions were adhered to.

**Fountain Street, 20 ft. from
the junction with Wellington Place**

The Committee agreed to defer consideration of the proposal in respect of the making of a designation resolution for the above-mentioned site to enable further information to be provided in relation to the summary of businesses which had been carried out to obtain an opinion as to the suitability or otherwise of the location for Street Trading.

Fountain Street at its junction with Fountain Lane

The Head of Environmental Health drew the Committee's attention to the Department for Social Development's South West Quarter Masterplan which had proposed that the above mentioned location be incorporated into a new site to be known as Fountain Square. She pointed out also that, under the Streets Ahead project, that site had been identified as the location for the erection of a new piece of public art work.

After discussion, the Committee agreed not to designate the site at Fountain Street, at its junction with Fountain Lane, as a place in respect of which it might grant a Stationary Street Trading Licence.

**Corn Market (Arthur Square) on the site on
which the Band Stand had previously been located**

The Committee considered the comments and noted the objections which had been received in relation to the designation of the above mentioned location and, in particular, the recommendation from Professor W. Morrison that Cornmarket be regarded as a primary shopping street in the City deserving of full protection from street trading and the Department for Social Development's plan to locate a new piece of public art at this site.

Accordingly, the Committee agreed not to designate Cornmarket/Arthur Square as a place in respect of which it might grant a Street Trading Licence.

Cornmarket outside John Frazer Store

The Environmental Health Manager advised the Members that the Health and Environmental Services Committee, at its meeting on 8th October, 2003, had, when considering the designation of the above location, decided to refuse to designate the site as suitable for street trading. However, that Committee had agreed further that the decision in regard to the location's suitability for street trading be reviewed following the completion of the Victoria Square Development.

The Committee was advised that the Northern Ireland Planning Service had indicated that street trading at the location would not be acceptable due to the pitch being situated in a public area which was used as the main entrance route to Victoria Square, a view that was supported by Professor W. Morrison. In addition, the Department for Social Development had indicated that the proposed location would conflict with the access to the John Frazer store.

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Special Licensing Committee,
Tuesday, 4th November, 2008

The Committee agreed not to designate the area outside the John Frazer store, Cornmarket, as a place in respect of which it may grant a Stationary Street Trading Licence.

Chairman