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Committee and Members' Services Section
3rd Floor, Adelaide Exchange
24-26 Adelaide Street
Belfast BT2 8GD



30th October, 2008

MEETING OF LICENSING COMMITTEE

Dear Councillor

The above-named Committee will meet in the Council Chamber, 3rd Floor, Adelaide Exchange on Tuesday, 4th November, 2008 at 12.30 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully

PETER McNANEY

Chief Executive

AGENDA:

1. Routine Matters
 - (a) Apologies
2. Designating Resolutions for Street Trading (Pages 1 - 63)

**Belfast City Council**

Report to:	Licensing Committee
Subject:	Consideration of responses made to the Council's notice of its intention to consider designating resolutions for street trading sites at a number of specified locations.
Date:	4 November 2008
Reporting Officer:	Mrs Suzanne Wylie, Head of Environmental Health Ext 3281
Contact Officer:	Mr James Cunningham, Regulatory Services Manager Ext 3375

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 20 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 7
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 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 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 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.

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	<p>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.</p> <p>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.</p> <p>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.</p>
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 sale of books could be considered. There are similar concerns in respect of use during weekdays; there would also be concern from the Cathedral regarding any impact on the environment.

There has been a problem with youths street drinking in the area as well as low level drugs misuse. With the area popular with children and limited CCTV coverage, it may not be the most suitable venue.

Roads Service

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.

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.

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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 proposal to use Writer Square for trading will cause concern to the Cathedral Clergy, Board and members due to potential for :-

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	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

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.

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
PSNI**

Conflicts with the Arthur Square artwork 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.
Gordons Chemists	The proposal to create sites in the Cornmarket area concern Gordons. They believe the creation of two new pitches will hinder the flow of the area and add to the congestion.
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 8 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

Documents Attached

To inform members on matters pertaining to these applications this report also contains the following:

Appendix A - Development Committee recommendation

Appendix B - Synopsis of Comments regarding the Cathedral Quarter

Appendix C –Copies of correspondence received

Appendix D – Street Trading Designating Resolution Policy

Appendix E – Full list of Streets for which Designating Resolutions are being considered

Appendix A

The Development Committee at its meeting on the 7 March 2008 recommends the following sites be designated suitable locations for Street Trading under the 2001 Street Trading legislation.

CATHEDRAL QUARTER

Street or part thereof to be considered	Commodity or service in respect of which a proposal has been received	Proposed Days/ Hours of Trade
Cotton Court (Waring Street)	Arts, Crafts, Flowers, Books	Sunday 10am-7pm
Hill Street - All	Arts, Crafts, Flowers, Books	Sunday 10am-7pm
Commercial Court - All	Fine Art, Paintings, Photographs, Prints	Sunday 10am-7pm

Street or part thereof to be considered

Belfast City Council's Cultural Tourism Strategy, 'Developing Belfast's Opportunity', details the aim 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.

High quality Street Trading in the Cotton Court, Hill Street, Commercial Court and Writers' Square would:

- bring colour, vibrancy and generate much-needed footfall
- create awareness of the cultural offering in the Cathedral Quarter
- coordinate links between attractions and cultural organisations
- capture the essence of the Quarter and reflect its distinctiveness
- enhance the quality of the visitor experience
- attract new people to the Cathedral Quarter
- be a crucial asset to the competitive success of Belfast

It is recommended that licences for Cotton Court be restricted to two, to allow for continued programming of outdoor events and performances in this area. It is also recommended that further expansion to Writers' Square should only take place following successful and established Street Trading in Hill Street and Commercial Court.

Commodity or service in respect of which a proposal has been received

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.

Therefore it is recommended licenses 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 and carefully managed in order to ensure a continued and sustained quality presentation. We would also recommend failure to utilise licence on four consecutive Sundays would result in loss of pitch.

Proposed Days / Hours of Trade

The Development Committee strongly recommends that Street Trading be restricted to Sundays only between 10.00am and 7.00pm in order to develop a unique attraction in Belfast. Members will be aware that the Cultural Tourism Strategy, 'Developing Belfast's Opportunity', outlines the need to develop the quality of the visitor experience in Belfast on Sundays and enhance and promote the current product offering. Feedback from our cultural tourism networking contacts has found that virtually all hotels reported a serious problem on Sundays, in particular Sunday mornings. It was pointed out that many guests leave Belfast on Sunday afternoons and that Sunday morning is their last period to enjoy Belfast. Members will also be aware that media coverage surrounding the Lonely Planet announcement in November 2006 commented on the need to develop the Sunday offer.

Synopsis of Comments regarding the Cathedral Quarter

**Bill Wolsey
Merchant Hotel**

Mr Wolsey wrote to the Council and stated that the Cathedral Quarter is a lively, vibrant area, popular with tourists and locals alike. It is synonymous with good quality products; from art galleries to restaurants. The area is viewed as an area of art and culture.

The most common complaint that they receive from their hotel guests is that there is nothing to do on a Sunday in Belfast. Mr Wolsey believes that a Cathedral Quarter market on Sundays would be a great asset to the area. He does not believe it should open Monday to Friday, as it would interfere with already established businesses. Stalls selling arts and crafts would be positive, that an element of uncooked food such as olives, local cheese and preserves, and fresh bread would compliment the area. However, it would be extremely detrimental to the area if people were allowed to sell hot dogs or burgers.

In addition, the appearance of stalls will be important.

**Belfast Community
Circus School**

Belfast Community Circus School wrote to the Council and stated that the market only takes place on Sundays in the Cathedral Quarter. Belfast Community Circus School has established a visitor attraction through its summer Sunday's initiative in the area and see the market further enhancing the visitor experience.

As well as arts and crafts the provision of gourmet foods would be sympathetic to the ethos of the Quarter

**The Let's Get It
Right group**

The Let's Get It Right group is a lobbying group based in the Cathedral Quarter whose focus is to campaign for developments that are sensitive to the ethos of a designated conservation and cultural area. They wrote to the Council and stated that they welcome the idea of a market in the area and commends Belfast City Council for its efforts to animate certain areas of the City centre in this way.

The LGIR group recommends that the market takes place on a Sunday, in the first instance and if it is successful that a Saturday is considered as well. They recommend that the market operate between 10am and 7pm. They also believe that the goods sold should be 80% professional artistic products and 20% food products and/or flowers.

In addition, the appearance of stalls will be important.

Nick Price
Nicks Warehouse

Overall, they welcome street trading in the Cathedral Quarter. They see a problem with the monitoring of the quality of the product and the importance of the emphasis on art works, craft goods.

Sandra Flemingham

Ms Flemingham emailed the Council and wrote, Commercial Court/Writers Square/Hill Street/Waring Street- the selection of arts/crafts/books would reflect well the trades established in this area. I would also suggest antiques/curio too as this would fall in well with the character of this part of the City. Donegall Quay/Lanyon Place - this would be great in the summer for the Refreshment trades, with maybe a trader or 2, who's commodity reflects the river/river's industries (e.g. artist/photography)

Kevin Graham

Mr Graham emailed the Council and wrote, I think it is a great idea for the street trading to commence in and around Belfast and I'm sure most retail outlets would encourage it. The locations that were discussed this morning would be extremely suitable, would bring with them an air of vibrancy to the city, and would be a pioneer in the development for other cities.

I did however have some concerns with regards to the number of Hot food allocations which would be suitable for Industrialised areas but for inner city locations I would suggest a variety of international cuisines if possible creating diversity not only for the tourists visiting but also for local residents (note the hot dog & pretzel stands in New York).

Junko Seki Mneeley

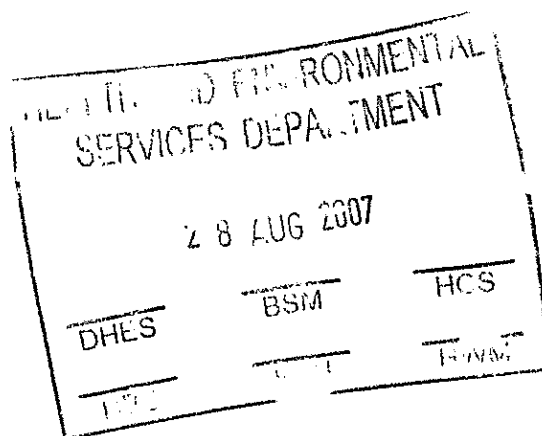
Mr Mneeley sent a fax to the Council and wrote street trading will be a great attraction in the City centre for locals and tourists. There should be a main market and market stands connected as a walking route, this can be advertised as one of Belfast's things to do for tourists.



Department for
**Social
Development**
www.dsdni.gov.uk

BELFAST CITY CENTRE REGENERATION DIRECTORATE
Director: Jackie Johnston

Mr James Cunningham
Regulatory Services
Belfast City Council
Cecil Ward Building
4-10 Linenhall Street
Belfast BT2 8DP



24 August 2007

Dear James

DSD COMMENTS ON THE PROPOSED LICENSED STREET TRADING LOCATIONS

I refer to your consultation of 24 July 2007 inviting representations on the designation of street trading pitches.

As you are aware the Department for Social Development (DSD) is in the process of implementing its Streets Ahead Programme for Belfast City Centre to improve and enhance the physical appearance of the city. This works programme involves a significant amount of government funding, it is therefore vital that this investment is safeguarded through robust management and maintenance policies.

DSD has also taken over the legacy of the Laganside Corporation. Laganside land holdings, Development Agreements and statutory responsibilities have transferred to the Department for Social Development and these are now managed by Belfast City Centre Regeneration Directorate.

It is against this background that the Department for Social Development (DSD) comments in relation to the proposed licensed trading locations are made.

General Comments

DSD agrees that there is a role for licensed street trading as this can provide an attraction and add to the vibrancy to the city. The Public Realm masterplan recommends that careful stall design, considerate positioning and the correct products can bolster the existing traders in an area.

Belfast City Centre Regeneration Directorate (BCCRD) is currently funding Belfast City Council (BCC) to take forward a study to look at city centre branding for licensed trading stalls. It is hoped that the outcome of this work will lead to the introduction of high quality



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stalls which will complement the improved city centre streetscape and make Belfast a more attractive place. DSD would be concerned that if a stall branding policy is not agreed in advance of the designation of sites and issuing of licences, the city centre may end up with poor quality stalls trading on upgraded streetscape, which would have a detrimental impact on the improvement works.

DSD wants BCC to ensure that the position of any designated site does not compromise the street design, impede pedestrian movement or add clutter and to this end it is suggested that all sites should be positioned to fit in with the proposed tram line (pavement band) of the Streets Ahead design or along the same line as street furniture. The Streets Ahead team would be happy to assist in identifying stall positions that could be incorporated into the streetscape designs which are currently being developed.

It is noted that a number of the sites identified for designation, are in areas which are on DSD's Street Ahead programme of works. If designation is given, BCC would need to be in a position to reallocate those traders who get a license to trade to temporary sites during the period of the site works.

Comment on Proposed Positions

Site 6 Little Patrick Street

- DSD would have no issue with the proposed hot food stall at Little Patrick Street apart from a concern for the potential of litter.

Site 8-9. College Street

- DSD are proposing to extend Disabled Parking along the north side of College Street as part of the Streets Ahead Scheme. Given the space requirements 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.
- Position 9 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.

Site 10-11. Fountain Street

- With regard to position 10, DSD would want the positioning of a designated site to be parallel with the tram lines or along the same line as the other street furniture.
- Position 11, under the Streets Ahead project this site has been proposed as a location for artwork.

Site 16. Arthur Square

- Position 16 conflicts with the Arthur Square artwork position.

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Site 17. Arthur Square

- The position shown would conflict with the store access to Frasers. Arthur Square is a difficult area to accommodate stalls because of the vehicle and pedestrian movements that are required.

Site 21 Writers Square

- DSD own Writers Square and this is currently used as an events space. The Department has given a commitment to consult with Dean McKelvey prior to issuing permits for events, to ensure that the use of this space is not in conflict with activities at St. Anne's Cathedral. BCC should ensure that the Dean is consulted on the proposal for a designated licensed trading stall in this area.

- 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.

Sites 18, 19 & 20 Cotton Court, Hill Street and Commercial Court

- DSD note 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 are 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.

Site 22 Donegall Quay

- DSD would oppose the sale of beverages and confectionary at Donegall Quay due to the potential for litter although if the Lookout were to reopen as an education and visitor's centre, stalls selling refreshments would provide a useful public amenity.

- DSD is concerned that this would not be managed effectively and the site, which includes the iconic Big Fish, could become buried in litter.

- This area is also undergoing development with the OBEL building due to complete in 2008 and consideration would have to be given to the views of the residents that will reside there.

Site 23 Lanyon Place

- It is noted that the commodity to be sold at this site is yet to be determined, If this site is designated, DSD would want the commodity to be in keeping with Lanyon Place, which houses the iconic Waterfront Hall and soon to be constructed Soloist building.

- Any decision on designated street trading pitches within Lanyon Place would have to canvas the view of Lanyon Place Management Company.

I hope these comments are of assistance to the Council.

Yours sincerely



Jackie Johnston

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-----Original Message-----

From: GABRIEL.MORAN@psni.pnn.police.uk [mailto:GABRIEL.MORAN@psni.pnn.police.uk]
Sent: 03 October 2008 01:08
To: James Cunningham
Cc: david.gibson3@psni.pnn.police.uk; Robert.Murdie@psni.pnn.police.uk
Subject: : RE: Street Trading

James

Please see attached my views on the relevant sites within my area.

8,9,10,11 Fountain Street and College Street

- At this time I 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 stands created are in keeping with this. Creating rights in the area may hamper future 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.

16&17 Corn market /Arthur Square

- Siting of any stalls in this area would be totally inappropriate. In weeks the DRD will be installing new sculpture in the centre of this square and looking 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.

18 Cotton Court

- I would support this but only for daytime hours 11am - 1800hrs on **Sundays Only**. Part of the area shown is I believe already owned and used by the Potthouse as seating area and is within their cartilage. Another part is used by a restaurant therefore the space available is more limited. This 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 impact on the businesses already in the area.

19&20 Hill Street and Commercial Court

- I am supportive of this but with the following conditions -
- **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 suitable 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 to the street being designated as pedestrian for the time. This is a very narrow street and anything other than two persons on a pavement creates a risk of people coming into contact with vehicles especially if admiring arts and crafts.
- 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. This may need consideration with the Roads Service re who has primacy and opportunities for conflict. A licence should only be considered if it has the full support of the businesses on this street.

21 Writers Square

- The use for books could be considered. I would be concerned about again the use in weekdays, There would also be concern from the Cathedral regarding any impact on the environs.
- There has been a problem with youth street drinking in the area as well as low level drugs misuse. With the area popular with children and limited CCTV coverage of the area it may not be the most suitable venue.
- it is currently used as a eating area and park area at lunchtimes and by local workers. Over congestion with stalls would impact on the image. Clearly people calling out for trade would also impact on the tranquillity of the environs of the Cathedral.

Regards

Gaby
Gabriel Moran
Neighbourhood Inspector
Musgrave Street Neighbourhood Policing Team
Musgrave Street Police Station
6 Musgrave Street
Belfast
BT1 3HX
Phone - 02890 700 523
Mobile - 07825 634 388
e-mail - gabriel.moran@psni.pnn.police.uk



James Cunningham
Health & Environment Services
The Cecil Ward Building
4-10 Linenhall Street
BELFAST
BT2 8BP

Eastern Division

Hydebank
4 Hospital Road
Belfast
BT8 8JL

Telephone: (028) 90253000

Fax: (028) 90253220

Email: roads.eastern@drdni.gov.uk

cc Ronnie Kerr Belfast South
Brain O'Neill Belfast North

Being Dealt with by: **R Gordon**

Direct Line: **90253007**

Our Ref : TMN/G33

Your Ref :

Date: 23 September 2007

Dear Mr Cunningham

PROPOSED STREET TRADING PITCHES - BELFAST.

I refer to your consultation document dated 24 July 2007 which Roads Service received on 17 August 2007:

There are a number of inconsistencies between the descriptions in your e mail and the supplied drawings. I have made comment on these where appropriate.

Please find attached Roads Service's comments on the proposed street trading pitches in Belfast.

No	NAME	LOCATION	ROADS SERVICE COMMENT
1	Stockman's Way	In lay-by before Musgrave Park Industrial Estate.	Discrepancy between description and map - Cannot identify lay-by on associated map or on site. It would not be permissible to place a hot food van (6.0m x 2.5m) on a footway as indicated by your map. Roads Service has received a number of complaints about traffic progression at this location but there are no waiting restrictions to prevent a vehicle parking on the road
2	Grays Lane	45ft from junction with Graymount Parade	Map shows pitch on footway – this has potential to cause obstruction for pedestrians
3	Lower Dargan Crescent	45ft from junction with Dargan Road	Pitch must be outside of the standard 15m corner restrictions (map shows 60ft) – no objection.
4	Duncrue Pass	45ft from junction with Duncrue Road	Pitch must be outside of the standard 15m corner restrictions – no objection.
5	Duncrue Street	60ft from Duncrue Road	No objection to proposal

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An Agency within the Department for

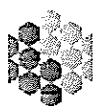
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INVESTOR IN PEOPLE

6	Little Patrick Street	45ft from junction with Corporation Street	Map shows pitch on corner rather than 45ft from junction – not acceptable. Concerns also about vehicles stopping on Dunbar Link to access stall.
7	Shaw's Bridge Car Park		No Objection
8	College Street	at Unit 7 Fountain Centre	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.
9	College Street	at junction with Fountain Street	Likely to interfere with swept path of delivery vehicles – could only comment fully when commodity and size if pitch has been determined.
10	Fountain Street	20ft from junction with Wellington Place	Could only comment fully when commodity and size if pitch has been determined.
11	Fountain Street	at junction with Fountain Lane	Likely to interfere with swept path of delivery vehicles – could only comment fully when commodity and size if pitch has been determined.
12	Entrance to City Cemetery	Falls Road	Pitch to be position to minimise the potential for obstruction to pedestrians
13	Entrance to Dundonald Cemetery	Upper Newtownards Road	Pitch to be position to minimise the potential for obstruction to pedestrians
14	Entrance to Milltown Cemetery	Falls Road	The application has been changed to entrance to Falls Park - pitch to be position to minimise the potential for obstruction to pedestrians
15	Winetavern Street	at rear of Smithfield Market	Pitch on footway may cause obstruction for pedestrians - pitch to be positioned to minimise the potential for obstruction to pedestrians
16	Cornmarket	in space previously used by band stand	Site currently undergoing development by DSD and is earmarked for a public art installation.
17	Cornmarket	outside John Frazer	Site currently undergoing development by DSD
18	Cotton Court	Waring Street	Area not adopted by Roads Service – no comment.
19	Hill Street	All	No objection.
20	Commercial Court	All	No objection.
21	Writer's Square		Area not adopted by Roads Service – no comment.



22	Donegall Quay	beside Lagan Lookout building	Area not adopted by Roads Service – no comment.
23	Lanyon Place	Under covered walkway (6 pitches)	Area not adopted by Roads Service – no comment.
24	Franklin Street	45ft from junction with Brunswick Street	No objection as proposal is for night time operation only and is outside current restrictions and metered parking.
25	Dunbar Street	45ft from junction with Dunbar Link	Pitch on footway has potential to cause obstruction for pedestrians.
26	King Street	Outside no 50	24hr waiting restriction in place.
27	Ormeau Avenue	Outside nos 17&19	No objection as proposal is for night time operation only.
28	Ormeau Baths Gallery	grounds at Apsley Street	Area not adopted by Roads Service – no comment.

If you require any further information please contact me.

Yours sincerely

R GORDON
Traffic Management 1



Reply to :-

James Cunningham
Cunninghamj@belfastcity.gov.uk

Being dealt with by: R Darrah
Direct Line 028 90253236

Your Ref:

Our Ref : MT 40769

Date : 13 February 2008

cc Brian O'Neill

STREET TRADING PITCHES.

Thank you for your e-mail of 23 January 2008 regarding the above issue. Please see Roads Service response to your queries below:

- **GREYS LANE**
Roads Service has no objections to the pitch if it is placed on the carriageway clear of the junction.
- **LITTLE PATRICK STREET**
No objection to pitch outside the 15m corner restrictions.
- **COLLEGE STREET AT UNIT 7 FOUNTAIN CENTRE**
A remote stall has the potential to cause obstruction for delivery vehicles.
- **FOUNTAIN STREET 20FT FROM WELLINGTON PLACE**
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.
- **FOUNTAIN STREET AT FOUNTAIN LANE**
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 was placed in a position where obstruction would not take place.
BCC to establish with applicant if an alternative position can be agreed.

If Street Trading applicants are experiencing difficulties marking the desired position of the stalls then it would be up to Belfast City Council to make that the drawing issued for consultation is consistent with the written explanation provided to Roads Service.

Please contact me if you wish to discuss further

ROY GORDON
Senior Engineer
Traffic Management

James Cunningham

From: [REDACTED]
Sent: 24 October 2008 12:47
To: James Cunningham
Subject: Street trading

Roads Service
Eastern Division
Hydebank
4 Hospital Road
Belfast BT8 8JL

Ref: MT45065

Date 24th. October 2008

Dear Mr Cunningham

Re: Designation of streets for street trading

I have been asked to pass on the following message: " We will comment on specific proposals as submitted. These should be dimensioned so as 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, I suggest that any designation be limited to the existing layout and be reviewed again once the SW Quarter proposals have been fully developed. Regards. Norman Chambers."

Yours Sincerely

[REDACTED]

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28/10/2008

Date: 3rd October 2007
 Your Ref:
 Our Ref: Z/2007/1831/Q
 (Please quote at all times)

Mr James Cunningham
 Regulatory Service Manager
 Belfast City Council
 Environmental Health
 The Cecil Ward Building
 4-10 Linenhall Street
 Belfast
 BT2 8BP



Please contact:
 Direct Line: 2890252800

Dear Ms Wylie

Pre-Application Enquiry

Location: Various Belfast Streets No. 1-28

Proposal: Statutory Consultation On The Designation Of Street Trading Pitches.

I refer to your letter received on 26th July 2007 seeking planning advice about the above.

Below is a list of your site numbers and any planning comments that we feel you should be aware of;

1. No planning objections.
2. Not acceptable to Planning due to the area being predominantly residential.
3. No planning objections.
4. No planning objections.
5. No planning objections.
6. No planning objections.
7. No planning objections.
8. No planning objections.
9. No planning objections.
10. No planning objections.
11. No planning objections.
12. No planning objections.
13. No planning objections.
14. No planning objections.
15. No planning objections.
16. Not acceptable due to there being a proposed public art project at this location.
17. Not acceptable due to the street pitch being at a public area that will be used as the main entrance to Victoria Square.
18. No planning objections.
19. No planning objections subject to it being carefully managed in order to ensure a quality presentation.
20. No planning objections subject to it being carefully managed in order to ensure a quality presentation.
21. No planning objections.
22. Planning concerns with the number of pitches. One pitch may be acceptable.



Divisional Planning Office

Bedford House
16-22 Bedford Street
Belfast
BT2 7FD

23. Planning concerns with the number of pitches. One pitch may be acceptable.
24. No planning objections.
25. No planning objections.
26. Not acceptable due to the area having numerous proposals for high density residential developments.
27. No planning objections.
28. Is this correct location as it would appear to be inside the main building?

If you require any additional information please do not hesitate to contact us.

Yours sincerely

Authorised Officer

Response form the Environmental Protection Unit (EPU) Re Consultation on the designation of street trading pitches, 24th July 2007.

Background.

The Council is a statutory consultee under the Planning (NI) Order 1991 for planning applications. In addition to the formal consultation the Health and Environmental Services Department's environmental protection unit receives consultations on a broad spectrum of development types. Our role is to assess the environmental impact of the proposed development, with particular reference to the statutory enforcement functions, (e.g. noise and nuisance) or for which no statutory enforcement exists (e.g. light pollution), and to provide comment and recommendations in order to prevent or control detrimental environmental health consequences. Each case being considered on its individual merits and the Planning Service will seek to consider views that relate to land use planning matters.

Consultation on Street Trading Pitches.

We have been asked for comment on the Designation of Street Trading Pitches in Belfast with a view of their appropriateness and suitability as sites for the specific uses. A key issue will be whether the proposed street trading pitches will unacceptably affect amenity and the existing land use of land and buildings or is likely to significantly affect the environment.

We have therefore treated this consultation regarding street trading pitches in a similar vain as our planning consultations and we make the following professional recommendations.

Street Trading Pitch Number:

1.	Condition
2.	Refuse Night and Condition day time use
3, 4, 5 and 6	Condition
7	No comment
8, 9 10, 11 and 17-	Unable to determine the commodity for sale, therefore Condition
12, 13, 14 and 15	No comment
16	Condition
18, 19, 20 and 21	No comment
22	Condition
23	No comment as within a covered walkway.
24	Condition
25, 26, 27 and 28	Refuse

Supporting background information.

**Position of EPU in relation to planning applications for fixed Hot food bars.
Extract from position paper.**

In the case of a planning consultation, applications for restaurants, cafes or fast food outlets such as hot food bars generally give rise to a number of issues and objections which are specific to these particular categories of land use. Applications relating to hot food bars are often contentious and raise a number of specific concerns. Our role is to assess the environmental impact of the development and consider how to minimise adverse environmental impact arising from the development including taking account of complaint history if applicable.

In relation to a fixed premise for a Hot Food Bar it is the policy of the unit to object to granting of planning permission where it directly adjoins residential accommodation in the majority of cases due to the problem of direct transmission of structure borne noise.

Each case is considered on its own merits and the Unit recognises that when making decisions there is also a need to balance the needs of protecting environmental health and still allow for the proper economic development of the city.

Officers from the Environmental Protection Unit will generally recommend one of three options to the Planning Service which are:

- A request that permission is refused outlining the reasons for the request. For example, in the case of a hot food takeaway attached to residential accommodation it is not possible to mitigate the transmission of structure borne noise from machinery in use in the business;
- A request for conditions to be attached to the permission, eg in the case of a hot food takeaway this could relate to the installation of a proprietary odour abatement system;
- A request that permission is granted with informatives attached eg this may relate to terms of operation of machinery.

**Consultation paper on potential street trading sites
Comments of the Building Control Service**

General comments

It is recognised that attractive and carefully considered street trading pitches can bring diversity to the streetscape of Belfast whilst offering additional welcome employment opportunities. The Service supports and encourages such development.

Health, safety and amenity issues

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.

Day time trading pitches

The Service has no specific concerns, save for those general issues mentioned above, in respect of those pitches.

Night time hot food vans

As a result of the responsibility the Service has in relation to premises licensed for entertainment it is our experience that hot food vans adjacent to pubs, clubs and other entertainment venues have a tendency to lead to incidents of increased noise nuisance, disturbance and anti-social behaviour.

There is a particular difficulty when hot food vans are adjacent to premises in residential areas and we have received objections to entertainment licences in the past which point to the presence of hot food vans as a factor which has prolonged the late night disturbance residents have suffered.

Careful consideration should be given to the siting of hot food vans adjacent to any licensed premises and those premises which are also located close to residential accommodation would almost certainly lead to problems for those residents.

With an increasing trend towards city centre living even licensed premises which are currently not adjacent to residential accommodation may well be in the future. It is therefore suggested that Planning applications and regeneration plans should be taken into account when considering designating any pitch adjacent to licensed premises.

James Cunningham

From: Philip Gallagher [phil@javamancoffee.co.uk]
Sent: 06 November 2007 10:56
To: James Cunningham
Subject: FW: Street Trading Consultation Meeting

Follow Up Flag: Follow up
Flag Status: Flagged

-----Original Message-----

From: Philip Gallagher [mailto:phil@javamancoffee.co.uk]
Sent: 01 September 2007 21:12
To: 'cunninghamj@belfast.gov.uk'
Subject: FW: Street Trading Consultation Meeting

-----Original Message-----

From: Philip Gallagher [mailto:phil@javamancoffee.co.uk]
Sent: 29 August 2007 09:49
To: cunninghamj@belfast.gov.uk
Subject: Street Trading Consultation Meeting

Dear James,

I refer to the above and would like to offer my proposals for the areas which are being considered for street trading in the Belfast Area:

7. Shaws Bridge Car Park - would like to propose that this site also have allocation for a second unit selling hot and cold beverages.

17. Cornmarket - would like to propose that this site be allocated for hot and cold beverages and confectionery.

19. Hill Street - would like to propose that this site also be allocated for a small hot food and beverage cart. I am aware that there are space restrictions on this site.

I would also like to propose a site be allocated in Andersonstown near casement park.

Kind regards,

Philip Gallagher

Javaman Coffee
45 Church Road
Crossgar
BT30 9HR

T 07799 414460
E phil@javamancoffee.co.uk
W javamancoffee.co.uk

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Appendix D

<p><i>Regulatory Services Division.</i> <i>Consumer Protection.</i> <i>Health & Environmental Services.</i></p> <p><i>Street Trading Designating Resolution Policy</i></p>	<p>Procedure Page No. Edition/Issue No. Issue Date Reference: Service:</p>	<p>CP RS ST 1 of 4 1/1 OCTOBER 2001 JC Consumer Protection</p>
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C O N T E N T S

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

1 Purpose

By virtue of Section 3 of the Street Trading Act (Northern Ireland) 2001 the Council may pass a Resolution Designating a street in which it may allocate trading pitches to holders of Street Trading Licences.

The purpose of this Policy is to provide guidance on matters which should be considered when deciding whether to Designate a street or part thereof for Street Trading. 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 and Procedure is intended to ensure that Belfast City Council Members and Officers are aware of those matters to be taken into consideration when determining if a street or part thereof should be Designated for the purposes of the Street Trading Act (Northern Ireland) 2001.

Initially the City Council will consider those streets or part thereof in respect of which applications have been received , or for which licences have been issued for Street Trading (excepting those applications which have been previously refused).

The City Council will consider further streets or part thereof for proposed designation 6 months from the initial Designating Resolution and then annually thereafter on a date to be appointed by the Council. In so doing the City Council will consider representations made to it in respect of the said streets or part thereof. However, the Council may exercise the right to make further Designating Resolutions in exceptional circumstances on dates at its discretion.

3 References

3.1 Street Trading Act (Northern Ireland) 2001.

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

4 Background

The Street Trading Act (Northern Ireland) 2001 enables District Councils to regulate Street Trading through designating, licensing and enforcement procedures. The Act received Royal Assent on the 5th April 2001, with a run in period of 6 months and becomes operative on the 1st October 2001. The new Act repealed most of the provisions of the 1929 Street Trading (Regulation) Act, except Section 10 which contains the provisions whereby Market Rights can be acquired or extinguished.

The Act empowers the City Council to designate specific streets or part thereof in the City as being suitable for street trading. A licence to trade may only be granted in respect of a street which has been designated.

Designation is designed to be an open process which gives everyone an opportunity to comment on a proposal to permit street trading in a particular street.

5 General Principles

- 5.1 Each case must be considered on its own merits, but there are general principles that apply in all cases. The duty of the City Council is to make sure that each street is fairly and objectively assessed and that all relevant factors are considered.
- 5.2 The City Council will consult with -
 - (a) The District Commander of the Police District Command Unit in which the streets are situated;
 - (b) The Department for Regional Development as regards that department's functions with respect to roads and regulation of road traffic;
- 5.3 The City Council may also consult other persons as it considers appropriate. Such Consultees may include the following:
 - (i) Planning Service
 - (ii) N.I. Fire Authority
 - (iii) Belfast City Chamber of Trade and Commerce
 - (iv) Belfast City Centre Management Company
 - (v) National Market Traders Federation
 - (vi) Such other Consultants as it deems appropriate e.g. - Planner, Road Traffic, Conservation Area Specialist and Commercial Estate Agents
 - (vii) Nearby Street Trading Licence holders who may be affected.
 - (viii) Business and Commercial premises in the vicinity of the site in respect of which the application has been received.
 - (ix) Shop Mobility and Disability Action.
 - (x) N.I. Ambulance Service.
- 5.4 Without prejudice to its right to take account of any relevant consideration in determining the suitability of each proposed Street Trading Designation, the Council will take into account:
 - (a) The safety of the public and any risks which may arise.
 - (b) The future development plans for the street or areas proximate which may be affected by such designation.
 - (c) The appropriateness and suitability of the street or part thereof and commodities in relation to the location.
 - (d) The potential adverse impact that street trading may have upon the character and appearance of the area in question and in particular Conservation Areas and on adjacent Listed Buildings.
 - (e) The extent to which the sale of the commodity will provide a useful service to the local community not otherwise provided in the area;
 - (f) The potential environmental effects such as additional litter, cleansing requirements noise and litter.

- (g) The potential for the proposed designation of a street or part thereof to have an adverse effect in terms of anti-social behaviour, public order or public safety.
- (h) Any other Statutory ground which it would be appropriate to consider;
- (i) Complaints arising from street trading activities at a street or part thereof, previously designated or licensed for such trading.
- (j) Any relevant Planning Policy.

Appendix E

NO.	Street or part thereof to be considered	Street Status
1	Stockmans Way– in lay-by before Musgrave Park Industrial Estate.	Refused
2	Grays Lane – 45ft from junction with Graymount Parade on opposite side of the road.	Refused
3	Lower Dargan Crescent, 45ft from junction with Dargan road	Agreed
4	Duncrue Pass, 45ft from junction with Duncrue road	Agreed
5	Duncrue Street, 60ft from Duncrue road	Agreed
6	Little Patrick Street– 45ft from junction with Corporation Street	Agreed
7	Shaws Bridge car park	Agreed
8	College Street – at Unit 7, Fountain Centre	Being considered today
9	College Street - at junction with Fountain Street	Being considered today
10	Fountain Street, 20 ft. from the junction with Wellington Place	Being considered today
11	Fountain Street - at junction with Fountain Lane	Being considered today
12	Entrance to City Cemetery - Falls Road	9 th December
13	Entrance to Dundonald Cemetery - Upper Newtownards Road	9 th December
14	Entrance to Milltown Cemetery - Falls Road	9 th December
15	Winetavern Street – at rear of Smithfield Market	Agreed
16	Cornmarket – in space previously used by band stand	Being considered today
17	Cornmarket- outside John Frazer	Being considered today
18	Cotton Court (Waring Street)	Being considered today
19	Hill Street- All	Being considered today
20	Commercial Court- All	Being considered today
21	Writers Square	Being considered today
22	Donegall Quay – part thereof beside Lagan lookout building.	Agreed for three pitches
23	Lanyon Place – part thereof under the covered walkway	Agreed for three pitches
24	Franklin Street– 45ft from junction with Brunswick Street	9 th December
25	Dunbar Street – 45ft from junction with Dunbar link	9 th December
26	King Street outside No. 50	9 th December
27	Ormeau Avenue outside No. 19-17	9 th December
28	Ormeau Baths Gallery grounds at Apsley Street	9 th December