

Document Pack

**Democratic Services Section
Chief Executive's Department
Belfast City Council
City Hall
Belfast
BT1 5GS**



14th March, 2013

MEETING OF LICENSING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room (Room G05), City Hall on Wednesday, 20th March, 2013 at 4.30 p.m., for the transaction of the business noted below.

You are requested to attend.

Yours faithfully

PETER McNANEY

Chief Executive

AGENDA:

1. Routine Matters

- (a) Minutes
- (b) Apologies
- (c) Declarations of Interest

2. Non-Delegated Matters

- (a) Roads (Miscellaneous Provisions) Act 2010 - Road Closures for Special Events (Pages 3 - 6)
- (b) Proposals for the Charging of Fees for Road Closures Orders for Special Events (Pages 7 - 14)
- (c) Revision of Petroleum Licensing Conditions (Pages 15 - 24)

- (d) Consultation on Proposals to Repeal the Pedlars Act and Amend Street Trading Legislation (Pages 25 - 30)

3. **Delegated Matters**

- (a) Licences Issued under Delegated Authority (Pages 31 - 34)
- (b) Application for the Renewal of a Seven-day Annual Entertainments Licence - Mono Bar, 96-100 Ann Street (Pages 35 - 44)
- (c) Application for the Grant of a Fourteen-day Occasional Entertainments Licence - El Divino, May's Meadows (Pages 45 - 52)



Belfast City Council

Report to:	Licensing Committee
Subject:	Roads (Miscellaneous Provisions) Act 2010 - Road Closures for Special Events
Date:	20 March 2013
Reporting Officer:	Trevor Martin, Head of Building Control, ext 2450
Contact Officer:	Stephen Hewitt, Building Control Manager, ext 2435

1	Relevant Background Information
1.1	Members may recall that, at its meeting of 21 March 2012, the Committee considered a report on the introduction of the Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 (the Roads Act) which gives the Council the power to temporarily prohibit or restrict the use of public roads, with the consent of the Department for Regional Development (DRD), to facilitate the holding of a special event. A special event is defined as any sporting event, social event, entertainment or film making on a public road.
1.2	DRD are finalising a Commencement Order which we have been informed will be effective from 1 April 2013 (Easter Monday) and will bring the Roads Act into operation. This means that the Council will assume a statutory duty for: <ul style="list-style-type: none"> ▪ handling applications from event promoters ▪ consulting with the relevant blue light agencies ▪ publishing public notices for road closures ▪ considering representations made in accordance with public notices ▪ preparing Road Closure Orders and securing DRD approval.
1.3	A joint DRD and Local Government team was set up under SOLACE to examine the operational issues that introducing the Act will create for local government. Officers from Building Control, Legal Services and Corporate Policy unit have taken a lead role in this team and at the outset raised major concerns with DRD regarding the transfer of this new function, including the lack of understanding of what was required to be undertaken by councils and the associated governance and resource implications.
1.4	Officers have worked in conjunction with DRD to produce guidance notes for both councils and applicants in relation to the legislation and have attended meetings of SOLACE when this matter has been discussed. Arising from the SOLACE meetings, DRD agreed to hold three awareness events, aimed primarily at council officers, on both the legislation and supporting guidance documents across the Province. Officers from Building Control contributed to these awareness sessions.
1.5	The Council now needs to ensure that the necessary governance arrangements, processes and policies are put in place to administer this function and to minimise the potential risks to the Council.

2	Key Issues
2.1	Due to the regulatory nature of the legislation and that there will be applications submitted under it which may be subject to challenge and public representations, it is important that the Council puts in place a central process for administering this function.
2.2	As Members are aware, the Licensing Committee has delegated authority for determining applications in relation to a variety of matters, such as entertainments licences, where objections have been received. In addition, the Committee is also responsible for determining such other matters of a licensing nature as the Director of Health and Environmental Services, in consultation with the Director of Legal Services, deems appropriate.
2.3	Given the licensing/regulatory nature of the Roads Act and the similarities with the role of the Licensing Committee in terms of process, it is recommended that the Licensing Committee assumes responsibility for determining those applications for an order to temporarily prohibit or restrict the use of public roads in connection with special events where representations have been received either as a result of the public notice of an application or as a result of consultation with the PSNI, NIFRS or NIAS.
2.4	Advice from Legal Services is that there is no need for Standing Orders to be amended to make specific reference to the Roads Act to enable the Licensing Committee to assume this role as 'such other matters of a licensing nature' is sufficiently broad and the process of making an Order is sufficiently similar to be considered to be of a licensing nature.
2.5	To deal with applications as expediently as possible it is recommended that the Council's scheme of delegation be amended in line with the delegated powers for other licensing matters which will enable the Director of H&ES to make Orders in relation to special events except in circumstances where representations are received. Where representations are received, or in such other circumstances as the Director deems appropriate, that application will be brought before the Licensing Committee for consideration.
2.6	As there is a statutory public notice period of 21 days for any application made, we are bound by the legislation as to how quickly an application can be dealt with. Awareness raising work has therefore been undertaken with stakeholders including those in the film industry and with colleagues in other Departments to help them prepare for the introduction of the legislation.
2.7	Additionally, the close links between Building Control and the Events Unit of the Development Department will not only ensure that any road closures required for Council run events are progressed in a timely fashion but through the Events Advisory Panel there is an established forum where we can raise awareness about impending road closures and obtain the views of the relevant statutory agencies.
2.8	Any decision of the Committee in relation to policy and legislation concerning licensing matters must be ratified by Council.

3	Resource Implications
3.1	<p><u>Financial</u></p> <p>There will be direct financial costs attached to the administration of the Roads Act by the Council and, whilst such costs may be recovered from applicants, decisions in relation to the extent of public notification required and the fee charging option chosen will determine the actual financial implication. A separate report outlining fee charging options will be presented at your meeting for consideration.</p>
3.2	<p><u>Human Resources</u></p> <p>The introduction of the Roads Act will create an additional workload for the Service. Quantifying this has proven difficult but it is estimated that in the past 12 months there have been 5 large,</p>

3.3	10 medium and 10 community events in Belfast. Once the Roads Act comes into force, the resources and costs associated with administering it will be kept under review so that any necessary adjustments to resources may be more fully considered.
3.4	<u>Asset and Other Implications</u> None.

4	Equality and Good Relations Implications
4.1	There are no relevant equality and good relations implications.

5	Recommendations
5.1	<p>It is recommended, that:</p> <ul style="list-style-type: none"> ▪ The Licensing Committee assume responsibility for determining those applications, under the Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010, for an Order to temporarily prohibit or restrict the use of public roads in connection with special events where representations have been received either as a result of the public notice of an application or as a result of consultation with the PSNI, NIFRS or NIAS. ▪ The Director of Health & Environmental Services, except where representations have been received or in such other circumstances as the Director deems appropriate, is authorised to make Orders to temporarily prohibit or restrict the use of public roads in connection with special events and that the Council's scheme of delegation is amended accordingly. ▪ These provisions will come into operation upon publication of the Commencement Order by the DRD.
5.2	As these decisions are not a delegated function of the Licensing Committee any decision will be subject to ratification by Council.

6	Decision Tracking
<p>Your recommendation in this regard will be brought to Council for consideration. The person responsible for this action is Henry Downey, Democratic Services Officer, Chief Executive's Department.</p>	

Key to Abbreviations	
<p>DRD – Department for Regional Development SOLACE – Society Of Local Authority Chief Executives PSNI – Police Service of N. Ireland NIFRS – N. Ireland Fire and Rescue Service NIAS – N. Ireland Ambulance Service</p>	

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Belfast City Council

Report to:	Licensing Committee
Subject:	Proposals on fees charges for Road Closures Orders for Special Events
Date:	20 March 2013
Reporting Officer:	Trevor Martin, Head of Building Control, ext 2450
Contact Officer:	Stephen Hewitt, Building Control Manager, ext 2435

1	Relevant Background Information
1.1	The Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 (the Roads Act) allows the Council to recover the whole of the costs incurred in connection with or in consequence of making an Order relating to the restricting or prohibiting traffic using a road for the holding of special events. The Commencement Order for this legislation is expected in April 2013. The Council is then required to apply the legislation.
1.2	<p>These costs may include:</p> <ol style="list-style-type: none"> 1. Officer time for: <ol style="list-style-type: none"> a. assessing information relating to the application b. consultation with all relevant parties c. dealing with representations d. drafting the Order e. on-costs such as accommodation, IT, stationary, training etc. 2. The cost of advertisement in a local paper 3. Any other relevant costs associated with the Order.
1.3	<p>There will be other costs which the applicant may be required to meet including:</p> <ol style="list-style-type: none"> 1. Roads Service and PSNI costs 2. Traffic management planning 3. Erecting signage, cones and barriers etc. 4. Insurance
1.4	In considering the resource implications for the Council an indicative piece of work has been undertaken to estimate the costs for processing different notional applications for special events to form the basis of a fee charging structure.
1.5	Whilst the legislation enables the Council to recover any costs incurred in dealing with an application from event organisers and film companies this remains discretionary and any decision taken by the Council in terms of recovering costs may be influenced by the nature of an event.
1.6	In preparing estimated costs we were mindful of the potential that if they are set at too high a level, it would deter some event organisers/film producers from coming to Belfast and be prohibitive to communities wanting to run small scale events such as a street party. We have attempted to avoid such a situation.

2	Key Issues						
2.1	In formulating estimated costs consideration was given to three different types of events. Significant consideration has been given to community based events, such as a party in a residential street, and we have endeavoured to keep costs to a minimum and not to charge a fee for officer time.						
2.2	<p>It is suggested that applications will generally fall into the following categories of event and that each be defined as set out below:</p> <ol style="list-style-type: none"> 1. Large scale event e.g. Tennent's Vital, Christmas Light switch-on, Belfast Marathon <ul style="list-style-type: none"> ▪ Where more than 500 patrons are expected, or ▪ Which will involve disruption or closure of an arterial road, arterial route or main road, or ▪ The Order will apply for more than one calendar day. 2. Medium scale event e.g. restrictions for filming purposes <ul style="list-style-type: none"> ▪ Where less than 500 patrons are expected, or ▪ Where disruption is limited to a side street and is of little importance to through traffic, or ▪ The Order will apply for no more than one calendar day. 3. Community based / small scale event e.g. street party <ul style="list-style-type: none"> ▪ Where less than 150 patrons are expected ▪ Where disruption will be confined to minor residential roads, e.g. cul-de-sacs or side streets, and which do not have a bus route along it ▪ Which does not have a car park located on it or a car park which is accessed via the road to be closed (other than a car park for residents' of the road) ▪ Which is not publicised for the general public and therefore will not draw in people from the wider area ▪ Which would apply to the residents of one or two streets only and not to larger areas of the city ▪ Which will finish by 11pm ▪ Which does not have a stage built from which entertainment would be provided or have amplified entertainment which may cause nuisance to the wider area ▪ Which does not have fireworks, pyrotechnics or bonfires on the street ▪ Which does not have alcohol or food sold at the event ▪ Where the organiser/applicant will ensure that all frontages (both residential and commercial) of the road to be closed, and of any road(s) that directly adjoin the road to be closed, have been individually notified and have no substantial objection. 						
2.3	It is recommended that, rather than have a fee scheme where full recovery of costs is calculated for every individual event, fees should be based on reasonable indicative notional costs. These fees will be sufficient on aggregate to cover any reasonable costs associated with administering the Roads Act.						
2.4	Such an approach would be in line with other legislation where the Council has the power to set fees to recover full costs, e.g. as contained in the Street Trading Act 2001. Setting fees based on notional costs has the advantage that the applicant knows exactly what they will be required to pay before making an application and will also be much less of an administrative burden for the Council.						
2.5	<p>The estimated cost of officer time involved in processing different types of notional applications is set out below. Costs are based on current salary and employee on costs and an estimate of the amount of time necessary, based on experience of dealing with other types of licensing applications, to complete the process to make an Order for:</p> <table data-bbox="319 1993 1005 2092"> <tbody> <tr> <td>A large scale event</td> <td>£875</td> </tr> <tr> <td>A medium scale event</td> <td>£585</td> </tr> <tr> <td>A community based / small scale event</td> <td>£260</td> </tr> </tbody> </table>	A large scale event	£875	A medium scale event	£585	A community based / small scale event	£260
A large scale event	£875						
A medium scale event	£585						
A community based / small scale event	£260						

2.6	<p>These costs do not include the mandatory publishing of a notice of the application in a local paper. This requirement is part of the legislative framework and hence must be applied.</p>												
2.7	<p>Committee will be aware that the Council has brand guidelines which apply to any advert or notice placed in the press to portray an instantly recognisable visual image for the organisation. Following these guidelines a notice, drafted in accordance with the requirements of the Act, was prepared by Corporate Communications and estimated publication costs sought from various Belfast newspapers. The costs are detailed below.</p>												
	<table border="0"> <tr> <td>Belfast Telegraph</td> <td>£611</td> </tr> <tr> <td>Irish News</td> <td>£360</td> </tr> <tr> <td>Newsletter</td> <td>£269</td> </tr> <tr> <td>Andersonstown News Group (3 papers)</td> <td>£224</td> </tr> <tr> <td>Shankill Mirror</td> <td>£135</td> </tr> <tr> <td>Community Telegraph (3 papers)</td> <td>£406</td> </tr> </table>	Belfast Telegraph	£611	Irish News	£360	Newsletter	£269	Andersonstown News Group (3 papers)	£224	Shankill Mirror	£135	Community Telegraph (3 papers)	£406
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2.8	<p>The Council normally places notices in the three main papers to ensure that all sections of the community are informed and, on that basis, the cost of publishing notice of the application would be £1240.</p>												
2.9	<p>Taking Officer time with advertising costs the estimated notional cost to the Council to process an application to close a road would be:</p>												
	<table border="0"> <tr> <td>A large scale event</td> <td>£2115</td> </tr> <tr> <td>A medium scale event</td> <td>£1825</td> </tr> <tr> <td>A community based / small scale event</td> <td>£1500</td> </tr> </table>	A large scale event	£2115	A medium scale event	£1825	A community based / small scale event	£1500						
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A community based / small scale event	£1500												
2.10	<p>Committee should note that the legislation only requires one notice to be published.</p>												
2.11	<p>To minimise the cost to applicants, it is suggested that for community based/small scale events one advert only need be placed in a local community paper circulating in the area as the nature of the closure should be small and have little impact; this would greatly reduce the cost. For budgetary purposes it is recommended that the average cost of advertising be adopted at £255.</p>												
2.12	<p>A similar argument could be made for a medium scale event, if the definition in 2.2 is agreed, that one advert placed in one paper circulating in the area may be sufficient notification. For budgetary purposes it is again recommended that the average cost of advertising be adopted at £335.</p>												
2.13	<p>For large scale events the advertising requirements for entertainment licence applications is suggested as a reasonable comparator. It is Council policy that such applications are required to be published in two of the main papers or, where the application relates to an area where a local community paper circulates, the advert may be placed in the community paper and one of the main newspapers. This option would again provide savings in relation to advertising costs. For budgetary purposes it is recommended that the average cost of advertising be adopted at £970.</p>												
2.14	<p>A variety of charging options have been proposed for consideration as set out in Appendix A.</p>												
2.15	<p>In setting the fees in respect of Entertainments Licence applications the Department of the Environment has determined that any application for an outdoor licence by a voluntary organisations or charity would benefit from a reduced fee equivalent to 25% of the total standard application fee. A voluntary organisation is defined as organisation carrying on activities other than for the purpose of gain by the organisation or individual members of thereof.</p>												

2.16	Committee is therefore asked to consider if a similar reduced fee for any voluntary organisations or charities that may apply for an Order to restrict the use of or close a road should be set.
2.17	Once the Roads Act comes into force the resources and costs associated with administering it will be kept under review so that any necessary adjustments to fees may be brought to Committee for further consideration.

3	Resource Implications
3.1	<p><u>Financial</u></p> <p>There will be direct financial costs attached to the administration of the Roads Act by the Council and, whilst such costs may be recovered from applicants, decisions in relation to the extent of public notification required and the fee charging option chosen will determine the actual financial implications for the Council.</p>
3.2	<p>By way of illustration it is estimated that in the past 12 months there have been 5 large, 10 medium and 10 community events in Belfast. The advertising costs associated with a similar number of road closures applications, if notices are placed in the three main papers to ensure that all sections of the community are informed, will be in the region of £31000.</p>
3.3	<p><u>Human Resources</u></p> <p>The introduction of the Roads Act will create an additional workload for the Service. Based on the figures outlined in paragraph 2.5 the cost of officer time associated with administering 5 large, 10 medium and 10 community events in Belfast equates to £12825.</p>
3.4	<p>The full impact on resources will be kept under review once the Roads Act comes into force so that any necessary adjustments may be explored.</p>
3.5	<p><u>Asset and Other Implications</u></p> <p>None.</p>

4	Equality and Good Relations Implications
4.1	<p>Equality and good relations implications are still under review and following the Committee's decision a completed screening form will be forwarded to the Equality and Diversity Officer.</p>

5	Recommendations
5.1	<p>Members are asked to consider the information presented and make recommendations, subject to any necessary amendments, regarding:</p> <ol style="list-style-type: none"> 1. Whether a fee scheme based on indicative notional costs should be established; 2. The categories and definition of events for which fees will be charged as set out in paragraph 2.2 and if they are appropriate; 3. The level of advertising that is appropriate for the three proposed event types and if the Council should depart from the guidelines which apply to any advert or notice placed in the press as set out in paragraphs 2.11 to 2.13; 4. The preferred level of application fees that should be set based on the options in Appendix A; 5. Whether a reduced fee, equivalent to 25% of the full fee, should be introduced in respect of voluntary organisations or charities; 6. Whether a review of fees is undertaken after 12 months to reassess the resource implications associated with the function; and

5.2	Members are also asked to agree that all recommendations made will come into operation on the date which will be stipulated upon publication of the Commencement Order by the DRD. As these decisions are not a delegated function of the Licensing Committee any decision will be subject to ratification by Council.
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6	Decision Tracking
Your recommendations in this regard will be brought to Council for consideration. The person responsible for this action is Henry Downey, Democratic Services Officer, Chief Executive's Department.	

Documents Attached	
Appendix A Possible fee charging options for applications for an Order restricting or prohibiting traffic using a road for the holding of special events.	

Possible fee charging options

Appendix A

Option 1: to proceed with actual cost recovery following the event; this will be resource intensive and will require payment after the fact. It also increases the chance that the Council will be left with bad debt.

Option 2: to base fees on notional costs which are sufficient in the aggregate, taking one application with another, to cover all reasonable administrative or other costs.

	Officer	Advert	Total Cost	Reduced cost*
Large Event	£875	£1240	£2115	£1845
Medium Event	£585	£1240	£1825	£920
Community Event	£260	£1240	£1500	£515

**Reduced cost if the requirement to advertise in 3 main newspapers is amended and notices are placed in the press as set out in paragraphs 2.11 to 2.13.*

Option 3: to base fees on notional costs for large and medium scale events, Community based events are subsidised at a rate covering the cost of advertising and 50% of officer time.

	Officer	Advert	Total Cost	Reduced cost*
Large Event	£875	£1240	£2115	£1845
Medium Event	£585	£1240	£1825	£920
Community Event	£130	£1240	£1370	£385

**Reduced cost if the requirement to advertise in 3 main newspapers is amended and notices are placed in the press as set out in paragraphs 2.11 to 2.13.*

Option 4: to base fees on notional costs for large and medium scale events, Community based events are subsidised at a rate covering the cost of advertising only.

	Officer	Advert	Total Cost	Reduced cost*
Large Event	£875	£1240	£2115	£1845
Medium Event	£585	£1240	£1825	£920
Community Event			£1240	£255

**Reduced cost if the requirement to advertise in 3 main newspapers is amended and notices are placed in the press as set out in paragraphs 2.11 to 2.13.*

Option 5: to base fees on the cost of the advertising only. The Council bears the full officer cost.

	Officer	Advert	Total Cost	Reduced cost*
Large Event	-	£1240	£1240	£970
Medium Event	-	£1240	£1240	£335
Community Event	-	£1240	£1240	£255

**Reduced cost if the requirement to advertise in 3 main newspapers is amended and notices are placed in the press as set out in paragraphs 2.11 to 2.13.*

Option 6: to base fees on a level of cost recovery of 50% of all expenditure.

	Officer	Advert	Total Cost	Reduced cost*
Large Event	£875	£1240	£1057.50	£922.50
Medium Event	£585	£1240	£912.50	£460
Community Event	£260	£1240	£750	£257.50

**Reduced cost if the requirement to advertise in 3 main newspapers is amended and notices are placed in the press as set out in paragraphs 2.11 to 2.13.*

Option 7: to base fees on notional costs for large and medium scale events, the costs of Community based events being fully rate borne.

	Officer	Advert	Total Cost	Reduced cost*
Large Event	£875	£1240	£2115	£1845
Medium Event	£585	£1240	£1825	£920
Community Event	-	-	Free	Free

**Reduced cost if the requirement to advertise in 3 main newspapers is amended and notices are placed in the press as set out in paragraphs 2.11 to 2.13.*

Option 8: no recovery of any costs, all applications costs are fully rate borne.

Based on indicative figures for processing applications for 5 large, 10 medium and 10 community events estimated total expenditure is in the region of £44000.

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Belfast City Council

Report to:	Licensing Committee
Subject:	Revision of Petroleum Licensing Conditions
Date:	20 March 2013
Reporting Officer:	Trevor Martin, Head of Building Control, ext 2450
Contact Officer:	Stephen Hewitt, Building Control Manager, ext 2435

1	Relevant Background Information
1.1	Belfast City Council is designated as a Petroleum Licensing Authority under the Petroleum (Consolidation) Act (Northern Ireland) 1929 and as such grants licences annually to persons wishing to keep petroleum spirit. As permitted by the Act conditions are imposed by the Council on the licensee in order to ensure the safe operation of the licensed site.
1.2	Members are advised that revised petroleum licence conditions have been drafted by the Regional Petroleum Licensing Working Group (PLWG).
1.3	The PLWG was set up under the direction SOLACE to rationalise and ensure consistency of approach in respect of petroleum licensing issues on a province wide basis.

2	Key Issues
2.1	The main purpose of revising the conditions was to reflect the significant changes that have resulted from the introduction of the Dangerous Substances & Explosive Atmospheres Regulations (Northern Ireland) 2003 (DSEAR). These regulations, which are risk assessment based, have effectively removed much of the responsibility for controlling the routine operation of petrol filling stations from the Petroleum (Consolidation) Act (Northern Ireland) 1929 and therefore the need to retain many of the prescriptive control measures previously contained in licence conditions.
2.2	The revised conditions are also intended to remove any duplication that may exist from the application of other health and safety legislation. Accordingly they do not place any additional burden on licensees.
2.3	It must also be stressed that the reduced number of licence conditions proposed does not mean that the responsibilities of licensees and petrol filling station operators have diminished.
2.4	DSEAR does not however apply to non-workplace situations, and petroleum licensing is still therefore the primary mechanism by which such non-workplace petroleum spirit storage is controlled. These proposed new licence conditions are therefore only intended at this stage to address the licensing of retail and non-retail Petrol Filling Stations, where a work activity is undertaken.
2.5	The revised Petroleum Licence conditions are attached in Appendix A.

3	Resource Implications
3.1	<u>Financial</u> There will be administration costs associated with the distribution of the new licence conditions to licensees throughout Belfast. These will be catered for within existing budgets.
3.2	<u>Human Resources</u> Dissemination of information to licensees about the new Petroleum Licence conditions will take place during the course of site inspections by Officers of the Service when administering the annual renewal application resource implications of which will be minimal.
3.3	<u>Asset and Other Implications</u> None.

4	Equality and Good Relations Implications
4.1	There are no equality and good relations issues.

5	Recommendations
5.1	The Committee is requested to note the information contained within this report and to approve the adoption of the revised Petroleum Licence conditions.
5.2	As such matters are not a delegated function of the Licensing Committee any recommendation will be subject to ratification by Council.

6	Decision Tracking
The Head of Building Control will be responsible for ensuring that all persons holding a Petroleum Licence will be sent a copy of the revised conditions should they be approved.	

7	Key to Abbreviations
DSEAR: Dangerous Substances & Explosive Atmospheres Regulations (Northern Ireland) 2003 SOLACE: Society of Local Authority Chief Executives PLWG: Regional Petroleum Licensing Working Group	

8	Documents Attached
Appendix A – Revised Petroleum Licence conditions Appendix B – Current Petroleum Licence conditions	

Appendix A

Revised Petroleum Licensing Conditions

Part 1 - Definitions

In the licence and for the purpose of these conditions (except in so far as the context otherwise requires) the following expressions shall have the meanings respectively assigned to them:

- 1.1 Approved** means the acceptance in writing by the Petroleum Licensing Authority.
- 1.2 Approved arrangements** means those arrangements relating to the design, construction and mode of operation of the licensed premises, which accord with the plans and specifications approved by the Petroleum Licensing Authority.
- 1.3 Inspector** means a person duly appointed in writing by the Petroleum Licensing Authority, under Section 21 of the Health & Safety at Work (Northern Ireland) Order 1978.
- 1.4 Competent person** means a person with enough practical and theoretical knowledge, training and actual experience to carry out a particular task safely and effectively. The person should have the necessary ability in the particular operation of the type of plant and equipment with which they are concerned, an understanding of relevant statutory requirements and an appreciation of the hazards involved. That person should also be able to recognise the need for specialist advice or assistance when necessary and to assess the importance of the results of examinations and tests. A 'person' can be taken to mean more than one, or a body corporate or unincorporated. It is therefore possible to appoint appropriate organisations (e.g. insurance companies or inspection bodies) to carry out tasks designated for competent persons.
- 1.5 Dangerous substance** means the same as that defined in the Dangerous Substances & Explosive Atmospheres Regulations (Northern Ireland) 2003.
- 1.6 Licence** means a licence authorising the keeping of petroleum-spirit issued by a Petroleum Licensing Authority pursuant to the Petroleum (Consolidation) Act (Northern Ireland) 1929 and 1937.
- 1.7 Licensed premises** means the premises in respect of which the licence is in force and shall include all buildings or parts of a building, tanks, pipework, pumps, dispensers, drainage, ancillary equipment, and forecourt area within that part of the premises relevant to the storage, delivery and dispensing of petroleum-spirit.
- 1.8 Material alterations** mean any alteration, which could affect the risks from fire and explosion at the Licensed Premises and will include:
 - the change of or cessation of use of the licensed premises;
 - the removal, temporary or permanent decommissioning, repair, replacement, modification or installation of any tank used for the storage of petroleum-spirit and any pipeline or vapour pipeline associated with the storage and dispensing of petroleum-spirit;
 - the change in use of a tank used to store petroleum-spirit;
 - the removal without replacement of any petroleum-spirit pumps/dispensers;

- the installation of any pump/dispenser in a new location.
- the removal or installation of any part of the site's leak detection, spillage or delivery control system;
- a change in the Mode of Operation of the dispensing equipment;
- the removal or installation of any electrical equipment within the hazardous areas of the licensed premises;
- the construction of any buildings or works within the hazardous areas or elsewhere on the licensed premises; and
- the storage or cessation of storage of any other dangerous substances on the licensed premises

1.9 Petroleum Licensing Authority means Belfast City Council.

1.10 Petroleum-spirit means the same as that defined in section 23 of the Petroleum (Consolidation) Act (Northern Ireland) 1929 as amended.

1.11 Mode of operation means:

- 'attended service' where a trained attendant operates the dispensing equipment;
- 'attended self-service' where the customers operate the dispensing equipment under the supervision of a trained attendant; and
- 'unattended self-service' or unmanned sites' where the customers operate the dispensing equipment without the supervision of a trained attendant.

1.12 Suitable container means:

- a metal container satisfying the constructional and labelling requirements of the Petroleum-Spirit (Motor Vehicles etc) Regulations (Northern Ireland) 1930; or
- a plastic container satisfying the constructional and labelling requirements of the Petroleum-Spirit (Plastic Containers) Regulations (Northern Ireland) 1983; or
- a demountable fuel tank of a motor boat or similar vessel; or
- a United Nations approved container for the carriage of petrol.

1.13 Supply means sell or provide.

Part 2 - General conditions

2.1 The licence and any licence conditions issued, or copies of these documents, shall be kept on the licensed premises.

2.2 Where the licensee wishes to have the licence transferred to some other person or body, he shall notify the Petroleum Licensing Authority of the name and address of the proposed transferee at least 28 days before the occupation or ownership of the licensed premises is transferred to that other person or body.

2.3 The Licensee shall not undertake or permit to be undertaken any material alterations to the approved arrangements, unless the written consent of the Petroleum Licensing Authority has been obtained in advance.

2.4 The Licensee shall as soon as is reasonably practicable, notify the Petroleum Licensing Authority and confirm in writing the details of any:

- fire or explosion at the licensed premises;

- significant spillage of petroleum-spirit or other dangerous substance at the licensed premises;
- actual or suspected leak of petroleum-spirit or other dangerous substance from the storage tanks, dispensers and the pipework installation at the licensed premises; and
- other significant incident, which could affect the safe operation of the licensed premises.

Part 3 - Dispensing and supply of petroleum-spirit

- 3.1** No operating attendant shall be under the age of 16 years and when open for business the licensed premises shall be supervised by a competent person who shall not be under the age of 18 years.
- 3.2** The licensee shall not supply petroleum-spirit or any other dangerous substance to any person under the age of 16 years
- 3.3** Except where a petroleum-spirit dispenser is being tested for accuracy or during the course of repairs to the installation or any part thereof, petroleum-spirit shall only be dispensed into the fuel tank of an internal combustion engine, or into a suitable container. Any container used for this purpose shall immediately be securely closed and removed from the licensed premises or kept in a safe place.

Part 4 - Record keeping

- 4.1** The Licensee shall ensure that adequate records are kept of the petroleum-spirit monitoring and reconciliation system or the operation of any other suitable leak detection system or leak prevention system such that any leak of petroleum-spirit from the storage tanks or associated pipework is detected before a hazardous situation can arise.

Such records and documents should be retained for a minimum of 12 months and if requested be made available to the Petroleum Licensing Authority as soon as is reasonably practicable.

- 4.2** The licensee shall ensure that adequate records are kept of the maintenance regime and repairs carried out to the:
- petrol installation; including the storage tanks, pipework, pumps and dispensers;
 - the spillage containment system; including drainage gullies and oil separators; and
 - any other plant or equipment located in areas classified as 'hazardous' within the meaning of regulation 7 of the Dangerous Substances & Explosive Atmospheres Regulations (Northern Ireland) 2003.

Part 5 - Additional information

- 5.1** As the licensee, you are reminded that compliance with Parts 1 to 4 of these Conditions of Petroleum Licence does not, in any way, absolve you from your statutory duties under the:
- Electricity at Work Regulations (Northern Ireland) 1991

- Health and Safety at Work (Northern Ireland) Order 1978.
- Management of Health & Safety at Work Regulations (Northern Ireland) 2000; and
- Dangerous Substances & Explosive Atmospheres Regulations (Northern Ireland) 2003 (DSEAR)

to control the risks of fires or explosives arising from the unloading (from road tankers), storage and dispensing of petroleum-spirit or any other dangerous substance.

5.2 Practical advice on how to comply with the requirements of the above Regulations and in particular DSEAR can found in the following documents:

- 'Petrol Filling Stations – Guidance on Managing the Risks of Fire & Explosions' <http://www.hse.gov.uk/LAU/LACS/65-58.htm>
- L138 'Dangerous Substances & Explosive Atmospheres - Approved Code of Practice & Guidance' 1. ISBN 0 7176 2203 7.
- L133 'Unloading Petrol from Road Tankers – Approved Code of Practice & Guidance' 1. ISBN 0 7176 2197 9.
- HSE NI 01 02-A 'Memorandum of Guidance on the Electricity at Work Regulations (Northern Ireland) 1991'¹.
- Design, Construction, Modification, Maintenance & Decommissioning of Filling Stations (2nd edition). ISBN 0-85293-419X. Available from the Energy Institute, 61 New Cavendish Street, London, W1G 7AR. 020 7467 7157.
- L21 'Management of Health and Safety at Work' – Management of Health and Safety at Work Regulations 1999 Approved Code of Practice and Guidance (2 nd Edition) 1. ISBN 0 7176 2488 9.

¹ Health & Safety Executive publications are available from [HSE Books](#), PO Box 1999, Sudbury, Suffolk, CO10 2WA. Tel: 01787 881165.

Appendix B

Current Licence Conditions

LICENCE CONDITIONS: PETROLEUM INSTALLATIONS

PETROLEUM (CONSOLIDATION) ACT (NORTHERN IRELAND) 1929

1. **Spirit to be kept only as specified.** Petroleum Spirit shall not be kept otherwise than as specified in the Licence.
2. **Construction and Maintenance of Tanks, etc.** All tanks, tank chambers, pipes and fittings shall be to the satisfaction of the Council and shall be maintained in good and sound order and free from leakage.
3. **Ventilation.** The ventilation of each tank shall be effected by means of a separate pipe of approved size carried up to an approved position. The upper opening of such pipe shall be fitted with fine wire gauze, which shall be maintained in good condition. All buildings or places in which Petroleum spirit is kept or used shall at all times be ventilated sufficiently to the satisfaction of the Council.
4. **(a) Capacity of Tanks to be Tested.** Immediately before delivery of Petroleum Spirit into a storage tank is begun the Licensee or his representative shall ensure that the tank is tested with a dip stick or other suitable device to ensure that the quantity of Petroleum Spirit proposed to be delivered can safely be received by that tank.
(b) Driver Controlled Deliveries. Where a station operates Driver Controlled Deliveries, reference shall be made to the "Additional Statutory Conditions for Driver Controlled Deliveries of Petroleum Spirit: **Licensee's Requirements and Operators & Drivers Requirements.**
5. **Daily Dip Records, etc.** The Licensee shall in respect of each Petroleum Spirit storage tank which has been installed on the premises for ten years or more:
 - a) Take a dip reading of the tank and a meter reading of each pump connected to the tank at least once during each week-day and ensure that no petroleum spirit is placed in or removed from the tank in the period between the taking of the dip reading and the taking of the meter reading.
 - b) Keep records in an approved form of all such dip and meter readings and all deliveries to tank.
 - c) Produce such records for the last preceding three months at all reasonable times and on the request of an authorised officer of the Council.
6. **Testing of Tanks and Pipelines.** The Licensee shall carry out at his own expense any tests which the Council may consider necessary to locate the fault if the Council has reasonable cause to suspect that a tank or pipeline is faulty.

- 7. Cavities Beneath Pumps.** No cavity which might form a collecting place for Petroleum Spirit or Petroleum Spirit Vapour shall be left beneath any pump.
- 8. Covers of Pipes to be Kept Closed.** The covers of the filling and dipping pipes shall at all times be kept securely closed, except for such time as is necessary for the introduction of Petroleum Spirit, or for dipping the tank to ascertain the quantity of Petroleum Spirit contained therein.
- 9. Filling of Tanks, etc.** The Petroleum Spirit shall be delivered into the storage tanks under seal, and for the purpose of charging the tanks of motor vehicles the Petroleum Spirit shall be pumped by means of approved apparatus fixed in approved position(s) in the open air or in other safe positions to the satisfaction of the Council, though sound hose fitted with secure tap(s) and nozzle(s) into the tanks of the motor vehicles.
- 10. Precautions.** Due precautions shall at all times be taken for the prevention of accident from fire or otherwise and every precaution shall be taken for preventing any outflow or leakage of Petroleum Spirit or the escape of inflammable vapour.
- 11. Removal of Spirit from Tanks of Motor Vehicles, etc.** If it is necessary to draw off Petroleum Spirit from the tank of a motor vehicle or the hose of the installation, the Spirit shall be drawn off only into a strong metal vessel labelled "Petroleum Spirit – Highly Inflammable", such vessel to be at once securely closed with a screw cap and emptied as soon as possible either into the storage tank or the tank of another vehicle; a pail shall not be used for the purpose; and the spirit shall be handled only in any open air or other approved position, and not within 4.25m of any fire or flame or article or substance liable to ignite.
- 12. Quantity Permitted Not to be Exceeded.** The total quantity of Petroleum spirits kept in the premises (other than in tanks or motor vehicles) shall not at any time exceed that in respect of which this licence is granted.
- 13. Materials for Tyre Repairing.** Subject to the approval of an authorised officer of the Council, a quantity not exceeding 150mls of petroleum spirit and 450g of India rubber solution may be kept in approved metal vessels for use in tyre repairing.
- 14. Filling of cans etc.** Use of petroleum spirit for industrial purposes. No part of the premises shall be used for filling Petroleum Spirit into cans, barrels, drums, or other receptacles (except into the tanks of motor vehicles or into spare cans carried therewith and for the use thereon) unless permission has been granted by the Council in writing. Where the Petroleum Spirit is used for industrial purposes by the Licensee, the Licensee shall in addition to complying with the conditions of this Licence, comply with any further conditions which the Council may deem necessary for the safety of persons employed on the premises, notice of which shall be given by the Council in writing.
- 15. Conditions of Storage Place to be Maintained.** The arrangements approved by the Council under the Petroleum (Consolidation) Act (Northern Ireland) 1929 shall in all respects be kept and maintained unless the consent of the Council has been given in writing to any departure there from.
- 16. Fire, Flame, etc.** Fire or flame or such artificial light or apparatus or any other agency as will be liable to ignite inflammable vapour shall not, unless there is a separating wall or screen of such construction, strength and height as to prevent the transmission of fire, be within 4.25m of any

tank, pump, pipe, fitting or receptacle containing or liable to contain petroleum spirit or petroleum spirit vapour or be within 4.25m of a motor vehicle containing Petroleum Spirit in its tank; or be within 4.25m of the place where the tank of a motor vehicle is charged with or emptied of petroleum spirit. Petroleum Spirit shall not be placed in or removed from the tank of a motor vehicle whilst its engine is running.

- 17. Smoking.** No person shall smoke within 4.25m of any tank, pump, pipe, fitting or receptacle containing or liable to contain Petroleum Spirit or Petroleum Spirit Vapour.
- 18. Acts Liable to cause Fire, etc.** No person shall in any place or building in which Petroleum Spirit is kept or handled commit any act liable to cause fire or explosion.
- 19. Explosives, etc.** Explosives, matches, or other inflammable or explosive substances shall not be in or near any place where Petroleum Spirit is kept or used for changing motor vehicles.
- 20. Discontinuing to use storage tank.** The Licensee shall at least 10 days before discontinuing to use any underground tanks or similar receptacle on the premises to which the licence relates for the storage of Petroleum Spirit, give to the Council notice of his intention so to do, and shall immediately upon discontinuing so to use it, take such steps as may be necessary to render it immune from danger of fire and explosion, including any necessary steps which the Council may require him to take for that purpose; provided that this condition shall not apply where the use of the receptacle is discontinued temporarily for the purpose of cleaning or repair.
- 21. Drains and Sewers.** Petroleum Spirit shall not be allowed to enter any inlet or drain communicating with a public sewer.
- 22. Notices.** There shall be at all times be prominently exhibited in clear block letters of at least 50mm in height and of proportionate breadth in positions approved by an authorised Officer of the Council the words "Petroleum Spirit – Highly Flammable – No Smoking – Switch off Engine", and adjacent to the emergency electrical switch a notice stating "Petrol Pumps – Switch Off Here".
- 23. Hand Operated Pumps.** These pumps together with their associated fittings shall be of a type approved by the Council.
- 24. Electrically Operated Pumps.** These pumps together with their associated electrical fittings and wiring shall be of a type approved by the Council. An emergency switch to operate the pumps shall be maintained in proper working order and access to it shall be unobstructed. No stop catch shall be provided on the nozzle attached to any self service delivery hose of an electrically operated spirit pump which would enable the valve to be kept open and so eliminate manual control.
- 25. Electrical Installation.** The installation shall at all times be properly maintained in compliance with the current edition of the IEE Wiring Regulations and with each application for the renewal of a licence there shall be submitted by the Licensee to the Council a certificate provided from an Electrical Contractor / Engineer approved by the Council stating that the installation has been inspected.

- 26. Fire Fighting.** An adequate supply of sand, together with articles for its easy application, and fire extinguishers of an approved type (i.e. Foam or Dry Powder) and the size shall be maintained in easily accessible positions in the immediate vicinity of every place where spirit is kept or handled. The fire extinguishers shall be maintained in good working order and with each application for the renewal of a Licence there shall be submitted by the Licensee to the Council a certificate from the suppliers of the equipment or other competent persons to the effect that each fire extinguisher at the licensed premises is in efficient working order and is mechanically sound, giving the date of the last charging. Each extinguisher shall be tested by discharge at least once in three years.
- 27. Unauthorised Persons.** The Licensee shall take effectual precautions to prevent unauthorised persons and all persons under the age of 16 years from obtaining access to the place of storage or to any petroleum spirit upon the premises.
- 28. Observance of Conditions.** The Licensee and all persons employed on the premises shall act in accordance with and observe the conditions of the Licence.
- 29. Notification of accidents, suspected leaks, etc.** The Licensee or his representative shall forthwith send or cause to be sent to the Head of the Building Control Service of Belfast City Council notice of any accident, fire or explosion involving Petroleum Spirit and of any leak or suspected leak from a storage tank containing Petroleum Spirit on the licensed premises and shall, without delay, take all reasonable steps necessary to remedy any leak or condition likely to cause accident, fire or explosion or leak and to investigate any suspected leak and shall thereafter carry out at his own expense such works of demolition, alteration or construction as may be required by the Council.
- 30. Council's Officers to have Free Access.** Every authorised Officer of the Council shall at all times be allowed free and unrestricted access to the premises for the purpose of ascertaining if the Conditions of this Licence are properly observed, and the Licensee shall, by himself or his representatives, give any assistance for that purpose which such Officer may require, and shall, if so required, furnish to such Officer samples of substances alleged to be Petroleum Spirit.

NOTE:

- (1) Any licensee contravening any condition of his licence is liable, on summary conviction, to a fine not exceeding **one hundred pounds** for each day on which the contravention occurs or continues.
- (2) The occupier of licensed premises must under a penalty not exceeding **twenty pounds** per day, cause to be kept posted on the premises in such positions as to be easily read by the persons employed on the premises, a copy of these conditions which are to be observed by them. If any person employed contravenes any condition of which notice has been so given he shall be liable to a fine not exceeding **twenty pounds**, as will also any person who pulls down, injures or defaces these conditions.



Belfast City Council

Report to	Licensing Committee
Subject:	Consultation on Proposals to Repeal the Pedlars Acts and Amend Street Trading Legislation
Date:	20 March 2013
Reporting Officer:	Mr T Martin, Head of Building Control, ext 2450
Contact Officer:	Mrs P Scarborough, Democratic Services Section, ext 6003

1	Relevant Background Information
1.1	At the Licensing Committee meeting on 23 January 2013, Members considered a draft response which had been prepared in connection with a joint consultation exercise which had been undertaken by the Department for Business Innovation and Skills (BIS) and the Department for Social Development in relation to an amendment to the National Street Trading Legislation for England, Wales and Northern Ireland and the repeal of the Pedlars Act.

2	Key Issues
2.1	During discussion at the meeting, several Members highlighted the problems which had existed within the City prior to the introduction of the Street Trading Act (Northern Ireland) 2001. The point was made that the Act had provided the Council with robust powers to regulate street trading and that, should the proposals set out within the review be implemented, it would be a retrograde move and create significant difficulties in terms of the future management of street trading in Belfast.
2.2	Accordingly, the Committee had agreed that the foregoing comments be submitted to the Department for Social Development as the Council's response to the consultation document. The Committee had agreed also that a letter be forwarded to the Minister for Social Development advising of the Council's concerns regarding the proposals contained within the review and to the Northern Ireland Local Government Association seeking its full endorsement of the Council's response.
2.3	A response has been received from Minister McCausland's Private Secretary (attached as Appendix 1) advising that the Minister was aware of the serious

	problems associated with illegal street trading prior to the current licensing regime introduced by the Street Trading Act (Northern Ireland) 2001, and noting the concerns of the Committee that the proposed deregulation of pedlar trading to ensure compliance with the European Union Service's Directive would again lead to over-proliferation of street trading in Belfast. The Minister had provided an assurance that he would give careful consideration to the Council's response to the consultation before deciding the way forward.
2.4	A response had been received also from the Head of Policy in the Northern Ireland Local Government Association (attached as Appendix 2) thanking the Committee and the Licensing staff in the Council for their proactive approach to working in partnership with NILGA on this matter.

3	Resource Implications
	None

4	Equality and Good Relations Implications
	None

5	Recommendations
5.1	The Committee is requested to note the responses received from the Minister for Social Development and the Northern Ireland Local Government Association.

6	Decision Tracking
	Head of Building Control to progress any further decisions on this issue.

7	Key to Abbreviations
	None

8	Documents Attached
	Appendix 1: response from the Minister for Social Development Appendix 2: response from the Northern Ireland Local Government Association



From: The Private Secretary

5th Floor
Lighthouse Building
1 Cromac Place
Gasworks Business Park
Ormeau Road
BELFAST
BT7 2JB

Fax: (028) 9082 9548
e-mail: private.office@dsdni.gov.uk

Tel: (028) 9082 9034

Your ref: PS/MOH

Our ref: COR/106/2013

21 February 2013

Mrs Petra Scarborough
Democratic Services Section
Chief Executive's Department
Belfast City Council
City Hall
BELFAST
BT1 5GS

Dear Mrs Scarborough

CONSULTATION TO AMEND NATIONAL STREET TRADING LEGISLATION FOR ENGLAND AND WALES AND NORTHERN IRELAND AND THE REPEAL OF THE PEDLAR'S ACT

Minister McCausland wishes to thank you for your letter of 11 February and has asked me to reply on his behalf.

Minister is very aware of the serious problems associated with illegal street trading prior to the current licensing regime introduced by the Street Trading Act (Northern Ireland) 2001. He also notes the concerns of the Council's Licensing Committee that the proposed deregulation of pedlar trading to ensure compliance with the EU Service's Directive will again lead to over-proliferation of street trading in Belfast.

He has asked me to assure you that he will give careful consideration to Belfast City Council's response to the consultation before deciding the way forward.

I hope you find this helpful

Yours sincerely

A handwritten signature in black ink that reads "Emma Murray".

EMMA MURRAY
Private Secretary



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Petra Scarborough
Democratic Services Section
Belfast City Council
Chief Executive's Department
City Hall
BELFAST
BT1 5GS

Your ref: PS/MOH

25 February 2013

Dear Petra

BIS-DSD Consultation on Street Trading and Pedlar Legislation

Thank you for your letter of 11th February alerting NILGA to the above consultation and of the request of the Belfast City Council Licensing Committee. I am delighted to be able to tell you, that in advance of your letter, I had already been in contact with James Cunningham and had drafted a NILGA response in liaison with him and his colleagues in a number of other councils. The draft NILGA response was forwarded to councils on the 25 February for comment, further to consideration by the NILGA Executive Committee on 8th February 2013.

Clearly this consultation, if implemented, would have serious consequences for trading and retail in Belfast and for a number of our other more urban councils. I would like to take this opportunity to thank the Committee and the Licensing staff at Belfast City Council for their proactive approach to working in partnership with NILGA on this matter.

Although I hope that the Departments involved will listen to the strong, UK-wide, views of local government on these proposals, I will ensure that NILGA lobbying continues after the consultation closing date, as necessary. Should further work be required, I will ensure that NILGA liaises closely with Belfast City Council on a way forward.

Should you require any further information in relation to NILGA policy work on this or other issues please do not hesitate to contact me.

Yours sincerely

A handwritten signature in blue ink that reads 'K Smyth'.

Karen Smyth
Head of Policy

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Belfast City Council

Report to:	Licensing Committee
Subject:	Licences issued under delegated authority
Date:	20 March 2013
Reporting Officer:	Trevor Martin, Head of Building Control, ext. 2450
Contact Officer:	Stephen Hewitt, Building Control Manager, ext. 2435

1	Relevant Background Information
1.1	Under the Scheme of Delegation, the Director of Health and Environmental Services is responsible for exercising all powers in relation to the issue, but not refusal, of permits and licences, excluding provisions relating to the issue of entertainments licences where adverse representations have been made. For your information those applications dealt with under the Scheme are listed below.

2	Key Issues			
2.1	Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 the following entertainment licences were issued since your last meeting:			
	Premises and Location	Type of application	Hours licensed	Applicant
	Empire Social Club 337A Donegall Road	Renewal	Mon – Sat: 11.30 – 23.00 Sun: 12.30 – 22.00	Mr Willam Newman
	Odyssey Arena 2 Queens Quay	Renewal	Mon – Sun: 08.00 – 05.00	The Odyssey Trust Company Ltd
	Bank Square Chapel Lane	Renewal	Mon – Sun: 11.30 – 23.00	Mr Ciaran Donnelly Dept for Social Development
	Stranmillis College Club Stranmillis Road	Renewal	Mon – Sat: 11.30 – 23.00	Ms Christine Nesbitt
	Stranmillis Drama Theatre Stranmillis Road	Renewal	Mon – Sun: 08.00 – 01.00	Ms Christine Nesbitt
	Stranmillis College Hall Stranmillis Road	Renewal	Mon – Sun: 08.00 – 01.00	Ms Christine Nesbitt
	Queen's Cafe Bar 4-6 Queen's Arcade Donegall Place	Renewal	Mon – Sat: 11.30 – 03.00 Sun: 12.30 – 03.00	Beechill Inns Limited

The Sunflower Bar 65 Union Street	Grant	Thurs: 11.30 – 23.00 Fri – Sat: 11.30 – 01.00	North Down Leisure Ltd
Ballysillan Presbyterian Church 733 Crumlin Road	Renewal	Mon – Fri: 08.00 – 01.00 Sat: 08.00 – 00.00	Mr Harry Orr
Malone Presbyterian Church 450 Lisburn Road	Renewal	Mon – Fri: 08.00 – 01.00 Sat: 08.00 – 00.00	Mr Chris Ross
The Point 195-199 Upper Newtownards Road	Renewal	Mon – Sat: 11.30 – 01.00 Sun: 12.30 – 00.00	U.S. Inns Ltd
Hawarden Tennis Club 3 Clonlee Drive	Renewal	Mon – Sat: 11.30 – 23.00 Sun: 12.30 – 22.00	Mrs Amanda Leeman
Deane's Deli 42-44 Bedford Street	Renewal	Mon – Sat: 11.30 – 01.00 Sun: 12.30 – 00.00	Mr Michael Deane
Dunmurry Golf Club 91 Dunmurry Lane	Renewal	Mon – Sat: 08.00 – 23.00 Sun: 08.00 – 22.00	Mr Andrew Sproule
Royal British Legion 13 Sandbrook Gardens	Renewal	Mon – Sat: 11.30 – 23.00 Sun: 12.30 – 22.00	Mr George Roberts
Chelsea Wine Bar 346 Lisburn Road	Renewal	Mon – Sat: 11.30 – 01.00 Sun: 12.30 - 00.00	Wine Inns Ltd
Maddens Bar 74 Berry Street	Renewal	Mon – Sat: 11.30 – 03.00 Sun: 12.30 – 03.00	Mr Brian McMullan
York Road Civil Defence Association 30 St Aubyn Street	Renewal	Mon – Sun: 08.00 – 01.00	Mr Thomas Moore
The Fitzwilliam Hotel Belfast Great Victoria Street	Renewal	Mon – Sat: 11.30 – 01.00 Sun: 12.30 – 00.00	Graffan Properties Limited
Victoria's 81-85 Chichester Street	Renewal	Mon – Sat: 11.30 – 03.00 Sun: 12.30 – 03.00	Mr Brian McKenna
Castlereagh Glentoran Supporters Club 8a Grand Parade	Renewal	Mon – Sat: 11.30 – 23.00 Sun: 12.30 – 22.00	Mr Alan McIlhagger

Love and Death Inc 10a Ann Street	Renewal	Mon – Wed: 11.30 – 01.00 Thurs – Sat: 11.30 – 03.00	IM BIBE Ltd
M Club 23-31 Bradbury Place	Renewal	Mon – Sat: 11.30 – 03.00 Sun: 12.30 – 01.00	Regency Hotel (NI) Limited
The Washington Bar 21 Howard Street	Renewal	Mon – Sun: 08.00 – 03.00	Braidview Trading Limited
Auntie Annies Porter House 44 Dublin Road	Renewal	Mon – Sun: 11.00 – 03.00	John Hansen (Administrator of CDC Leisure Ltd)
The Spaniard 3 Skipper Street	Renewal	Mon – Sat: 11.30 – 01.00 Sun: 12.30 – 00.00	JK Pubs Limited
University of Ulster York Street	Renewal	Mon – Sun: 08.00 – 01.00	Mr Patrick Donnelly
Deers Head 1-3 Lower Garfield Street	Renewal	Mon – Thurs: 11.30 – 01.00 Fri – Sat: 11.30 – 03.00 Sun: 12.30 – 00.00	Mr Sean Murray
Lansdowne Hotel 657 Antrim Road	Grant	Mon – Sat: 11.30 – 01.00 Sun: 12.30 – 00.00	Metro Inns Limited

Under the terms of the Street Trading Act (Northern Ireland) 2001 the following street trading licences were issued since your last meeting:

Location	Type of application	Commodity	Hours licensed	Applicant
Designated site at Lombard Street, 60ft from junction with High Street	Renewal Stationary	Belfast themed artwork, bus tour tickets, t-shirts, keyrings and other commodities	Mon – Sun: 09.00 – 21.00	Mr Francis Brown
Shankill, Silverstream, Glencairn, Springmartin, Oldpark and Alliance areas	Renewal Mobile	Ice cream, confectionery and non alcoholic beverages	Mon - Sun 11.00 – 21.30	Mr Stephen Baxter

3	Resource Implications
3.1	<u>Financial</u> None
3.2	<u>Human Resources</u> None
3.3	<u>Asset and Other Implications</u> None

4	Equality Implications
4.1	There are no equality and good relations issues.

5	Recommendations
5.1	To note the applications that have been issued under the Scheme of Delegation.

6	Decision Tracking
This item is for noting only.	



Belfast City Council

Report to:	Licensing Committee
Subject:	Application for the Renewal of a 7-day Annual Entertainments Licence for Mono Bar
Date:	20 March 2013
Reporting Officer:	Trevor Martin, Head of Building Control, ext. 2450
Contact Officer:	Stephen Hewitt, Building Control Manager, ext. 2435

1	Relevant Background Information						
1.1	<p>An application was received on the 15 January 2013 from Mr Gerald McCann for the renewal of a 7-day annual Entertainments Licence for Mono Bar.</p> <table border="1"> <thead> <tr> <th>Premises and Location</th> <th>Ref. No.</th> <th>Applicant</th> </tr> </thead> <tbody> <tr> <td>Mono Bar 96-100 Ann Street Belfast, BT1 3HH</td> <td>WK/2013/067</td> <td>Mr Gerald McCann</td> </tr> </tbody> </table>	Premises and Location	Ref. No.	Applicant	Mono Bar 96-100 Ann Street Belfast, BT1 3HH	WK/2013/067	Mr Gerald McCann
Premises and Location	Ref. No.	Applicant					
Mono Bar 96-100 Ann Street Belfast, BT1 3HH	WK/2013/067	Mr Gerald McCann					
1.2	Public notice of the application was placed in the Daily Mirror and the News Letter within 7 days of the application being made. No objections have been received in response to the public notices.						
1.3	Members may recall that the PSNI originally objected to the renewal of the licence in 2012 due to high levels of anti social behaviour and liquor licensing offences occurring at the premises.						
1.4	However, following several meetings organised by Officers of the Building Control Service between the applicant and the PSNI, an agreement was reached in order to develop an Action Plan for the premises.						
1.5	Members may recall that, at your meeting on 15 February 2012, you agreed to grant the Entertainments Licence subject to the licensee adhering to the action plan, as agreed with the Building Control Service and the Police Service of Northern Ireland.						

2	Key Issues
2.1	Officers from the Building Control Service and PSNI have met with the applicant Mr Gerald McCann and the premises manager, Mr Garry McCann, and facilitated monthly meetings in accordance with the agreed Action Plan.
2.2	<p>Building Control</p> <p>Over the last 12 months, since the licence was renewed, the Service has not experienced any difficulty with the premises or the applicant. The monthly meetings have been very successful</p>

	and Officers have noted that the applicant has been responsive to any request and has taken a proactive approach regarding the management of the premises.
2.3	Since February 2012, Officers of the Service have also continued to carry out during performance inspections of the premises and have carried out a total of 4 inspections since February 2012. One inspection uncovered some minor issues which were quickly resolved.
2.4	As a result of the progress made, neither the Service nor the PSNI have concerns with the premises or the applicant. As such it is no longer seen as necessary to carry out monthly review meetings and it is suggested that the Action Plan be amended such that item 6 reads "The licensee or his representative will attend review meetings with the PSNI and the Council when required."
	PSNI
2.5	The PSNI has no objection to the renewal application and have agreed to the suggested amendment to the Action Plan.
2.6	A copy of the representation from the PSNI is appended to this report for your information.
2.7	A copy of the current Action Plan is appended to this report for your information.

3	Resource Implications
3.1	<u>Financial</u> None.
3.2	<u>Human Resources</u> None.
3.3	<u>Asset and Other Implications</u> None.

4	Equality Implications
4.1	There are no equality or good relations issues.

5	Recommendations
5.1	Taking into account the information presented you are requested to approve the application for the renewal of the licence subject to the licensee adhering to the action plan, to be amended as outlined in paragraph 2.4.

6	Decision Tracking
If the application is granted, assuming all outstanding technical matters have been dealt with, the applicant will be sent a copy of the Licence within 7 days of the Council decision. The person responsible for this action is Trevor Martin, Head of Building Control.	

7	Key to abbreviations
PSNI – Police Service Northern Ireland	

8	Documents Attached
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For your information, the following supporting documents are contained in the Appendix to this Report:-

- Application form
- PSNI comments
- Copy of the current Action Plan

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By virtue of paragraph(s) 1 of the Council's Policy on the
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Mono Café Bar, 96 - 100 Ann Street

Licensee: Mr Gerard McCann

Manager: Mr Garry McCann

This Action Plan has been drawn up in agreement between the PSNI, BCC Building Control Service and the Licensee, Mr Gerard McCann.

Action Plan

1. The licensee will actively seek to put in place crime prevention measures on the premises as advised by the PSNI.
2. Signage to be maintained at the entrance of premises advising that patrons will be removed if intoxicated.
3. The licensee will put measures in place to control the behaviour and conduct of patrons while on the premises.
4. Door staff to maintain control of patrons leaving the premises.
5. The Licensee will agree to him and all bar staff taking part in bar staff training as provided by Pubs of Ulster.
6. The licensee or his representative will attend monthly review meetings with the PSNI and the Council.
7. The licensee agrees to abide strictly to liquor licensing laws in respect of selling alcohol after hours, selling to under age persons and selling to intoxicated persons.
8. The Licensee must adhere to the Pubs of Ulster's voluntary code of practice in relation to drinks promotions.
9. The licensee to continue to maintain an incident book in relation to any disturbances or suspicious activity that takes place on the premises.
10. The licensee to continue to make CCTV footage available to the PSNI or the Council should it be required.
11. Ensure advertising and fly posting is in accordance with the legal requirements and council recommendations.

Gerald McCann

Insp John Guinness

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Belfast City Council

Report to:	Licensing Committee
Subject:	Objection received to an application for the grant of a 14-Day Occasional Entertainments Licence
Date:	20 March 2013
Reporting Officer:	Trevor Martin, Head of Building Control, ext. 2450
Contact Officer:	Stephen Hewitt, Building Control Manager, ext. 2435

1	Relevant Background Information						
1.1	<p>An application was received on the 11 January 2013 from Mr Paul Langsford for the grant of a 14-day occasional Entertainments Licence for a marquee based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind.</p> <table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;">Premises and Location</th> <th style="text-align: left;">Ref. No.</th> <th style="text-align: left;">Applicant</th> </tr> </thead> <tbody> <tr> <td> El Divino Mays Meadow Belfast BT1 3PH </td> <td>WK/201300044</td> <td>Mr Paul Langsford</td> </tr> </tbody> </table>	Premises and Location	Ref. No.	Applicant	El Divino Mays Meadow Belfast BT1 3PH	WK/201300044	Mr Paul Langsford
Premises and Location	Ref. No.	Applicant					
El Divino Mays Meadow Belfast BT1 3PH	WK/201300044	Mr Paul Langsford					
1.2	The applicant proposes to provide entertainment inside a marquee with a maximum capacity of 500 persons which will be positioned in the car park to the side of El Divino.						
1.3	The applicant proposes to operate the marquee at the same time as that of the indoor Entertainments Licence and finish by 2.00am.						
1.4	The Applicant has advised that, if a licence is granted for the area, it is the intention to provide entertainment in the form of a band or DJ on 2 occasions per year, the dates of which are proposed for the 5 May and 25 August 2013.						
1.5	Public notice of the application was placed in the Irish News and Daily Mirror within 7 days of the application being made.						

2	Key Issues
2.1	However, as a result of the public notices, written representation has been received outside of the 28 day statutory period, objecting to the application.
2.2	The letter of objection has been received from a local resident. The nature of the objection relates to concerns regarding the noise associated with a previous outdoor event, the additional hours proposed for this event and the fact that the days following these events are working days for the objector.

2.3	Under the terms of the Local Government (Miscellaneous Provisions) (NI) Order 1985, the Committee, when considering an application, must have regard to any representation which is received inside the 28 day statutory period. Where objections have been received outside the 28 day period you have discretion, but not a duty, to hear those objections.
2.4	Members should note that the Council is not prohibited from taking all relevant representations into account, whether they have been communicated by objectors or others, early or late, or in any other way.
2.5	When deciding if you wish to consider the objections received outside the 28 day period, facts that you may wish to take into account could include the relevance of the objections, the proximity of the objectors to the premises, how far outside the 28 day period the objections were received, or any other matters that appear important in the circumstances at hand.
2.6	A copy of the letter of objection is appended to this report for your information.
	PSNI
2.7	The Police Service of Northern Ireland has been consulted and has no objection to the application. However, they have subsequently been made aware of the nature of the objection received and asked if they have any comments to make in regard to it. Any further information the PSNI may have relating to the application will be presented at your meeting.
2.8	A copy of the initial PSNI response is appended to this report for your information.

3	Resource Implications
3.1	<u>Financial</u> None.
3.2	<u>Human Resources</u> None.
3.3	<u>Asset and Other Implications</u> None.

4	Equality Implications
4.1	There are no equality or good relations issues.

5	Recommendations
5.1	The current policy, laid down as a mandatory condition in the Order, is that, where representations have been made within 28 days of the date of application, an opportunity of appearing before and being heard by the Committee shall be given to the applicant and to persons who made representations, before any decision is made.
5.2	However, as objections against the application were received outside the 28 day period you are required to determine if you wish to exercise your discretion and afford the opportunity of appearing before, and being heard by, the Licensing Committee to any or all of the persons who made the representations outside the 28 day statutory period.
5.3	As it is possible that this matter may take some time to consider, you are required to set a suitable date and time to receive the person who made the representation, the applicants and/or their representatives and, after having received their submissions, make a recommendation regarding the application.

6	Decision Tracking
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Once the date is arranged for the Special Meeting all relevant parties will be notified of that meeting and the procedure that applies. The person responsible for this action is Henry Downey, Democratic Services Officer, Chief Executive's Department.

7	Documents Attached
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For your information, the following supporting documents are contained in the Appendix to this Report:-

- Letter of Objection
- PSNI response

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