

Document Pack

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



5th December, 2013

MEETING OF LICENSING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room (Room G05), City Hall on Wednesday, 11th December, 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. Schedule of Meetings 2014 (Pages 3 - 4)

3. Delegated Matters

- (a) Licences Issued under Delegated Authority (Pages 5 - 8)
- (b) Application for the Variation of a Seven-day Annual Entertainments Licence - The Errigle Inn, 312-320 Ormeau Road (Pages 9 - 20)

- (c) Application for the Variation of a Seven-day Annual Entertainments Licence - Aether and Echo, 1-3 Lower Garfield Street (Pages 21 - 32)
- (d) Application for the Transfer and Variation of a Seven-day Annual Entertainment Licence - Ronnie Drew's, 79-83 May Street (Pages 33 - 44)
- (e) Competing Applications for a Stationary Street Trading Licence – Site 2 Berry Street (Pages 45 - 54)
- (f) Competing Applications for a Stationary Street Trading Licence - Shaw's Bridge Car Park (Pages 55 - 60)
- (g) Application for the Variation of a Mobile Street Trading Licence (Pages 61 - 72)
- (h) Application for the Grant of a Mobile Street Trading Licence (Pages 73 - 78)

4. Non-Delegated Matters

- (a) Update on Outdoor Events Policy (Pages 79 - 82)



Belfast City Council

Report to:	Licensing Committee
Subject:	Schedule of Meetings 2014
Date:	11th December, 2013
Reporting Officer:	Mr. H. Downey, Democratic Services Officer, ext. 6311
Contact Officer:	Mr. H. Downey, Democratic Services Officer, ext. 6311

1.0	Relevant Background Information
1.1	To advise the Committee of the dates and times of the meetings of the Licensing Committee for the first five months of 2014.

2.0	Key Issues
2.1	Members will be aware that the monthly meeting of the Licensing Committee is normally held at 4.30 p.m. on the 3 rd Wednesday of each month.
2.2	However, due to holiday periods and the timing of the monthly Council meetings and, in order to assist with the decision-making process, it has been necessary on occasions to move some of the meetings to later in the month.
2.3	Accordingly, the following dates have been identified for meetings of the Licensing Committee for the period from January to May, 2014: Wednesday, 22 nd January Wednesday, 19 th February Wednesday, 19 th March Wednesday, 16 th April Wednesday, 21 st May (All meetings will commence at 4.30 p.m.) Details of meetings beyond May, 2014 will be issued for the Committee's approval following the Local Government Election.

3.0	Resource Implications
	None associated with this report.

4.0	Equality Implications
	None associated with this report.

5.0	Recommendation
5.1	The Committee is requested to approve the schedule of meetings for the first part of 2014.

6.0	Decision Tracking
Following approval of the dates of the meetings by each of the Committees, a bound copy of the schedule will be issued and the website updated accordingly. That will be undertaken by the Democratic Services Section.	

7.0	Document Attached
Schedule of meetings for the Licensing Committee for January – May, 2014.	



Belfast City Council

Report to:	Licensing Committee
Subject:	Licences Issued under Delegated Authority
Date:	11th December, 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 Council's 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 Entertainments Licences were issued since your last meeting:			
	Premises and Location	Type of application	Hours licensed	Applicant
	Windsor Lawn Tennis Club 37 Windsor Avenue	Renewal	Mon – Sat: 11.30 – 23.00 Sun: 12.30 – 22.00	Ms Wendy Phillips
	Garrick Bar 29 Chichester Street	Renewal	Mon – Sat: 11.30 – 01.00 Sun: 12.30 – 00.00	Laidan Limited
	Suffolk Community Centre Carnamore Park	Renewal	Mon – Sun: 08.00 – 01.00	Ms Catherine Taggart

Premises and Location	Type of application	Hours licensed	Applicant
Glen Road Community Centre 2a Carrigart Avenue	Renewal	Mon – Sun: 08.00 – 01.00	Ms Catherine Taggart
Zen 55-59 Adelaide Street	Grant	Mon – Sat: 11.30 – 01.00 Sun: 12.30 – 00.00	Mr Eddie Fung
Biddy Duffys 133 Andersonstown Road	Renewal	Mon – Sat: 08.00 – 01.00 Sun: 12.30 – 00.00	Mr Peter Teague
Mountainview Social Club 8 Enfield Street	Renewal	Mon – Sat: 11.30 – 23.00 Sun: 12.30 – 22.00	Mr William McDonald
Filthy McNastys (Outdoor) 41-45 Dublin Road	Renewal	Mon – Sat: 11.30 – 01.00 Sun: 12.30 – 00.00	Bachus Inns Limited
The Washington Bar 21 Howard Street	Renewal	Mon – Sun: 08.00 – 03.00	Braidview Trading Limited
Ligoniel Community Centre 144 Ligoniel Road	Renewal	Mon – Sun: 08.00 – 01.00	Ms Catherine Taggart
Glenowen Inn 108-116 Glen Road	Renewal	Mon: 12.30 – 23.30 Tues – Thurs: 11.30 – 00.00 Fri – Sat: 11.30 – 00.30 Sun: 12.30 – 00.00	The Keg Company (NI) Limited
St Kevins Hall 7-9 North Queen Street	Renewal	Mon – Sun: 08.00 – 01.00	Rev Michael Sheenan
Crumlin Road Gaol Visitor Attraction & Conference Centre 53-55 Crumlin Road	Renewal	Mon – Sat: 11.30 – 01.00 Sun: 12.30 – 00.00	Belfast Tours Limited
St Teresas GAC 2A Glen Road Heights	Grant	Mon – Sat: 11.30 – 23.00 Sun: 12.30 – 22.00	Mr Robert Gallagher
Ballysillan Leisure Centre 71 Ballysillan Road	Renewal	Mon – Sun: 08.00 – 01.00	Ms Katrina Morgan
Belfast Harlequins (Marquee) 45A Deramore Park	Renewal	Mon – Sun: 11.30 – 23.00	Mr Angus Mills
Duncairn Community Centre Upper Mervue Street	Renewal	Mon – Sun: 08.00 – 01.00	Ms Catherine Taggart

	Premises and Location	Type of application	Hours licensed	Applicant
	Cliftonville Bowling & Social Club 13-23 Knutsford Drive	Renewal	Mon – Sat: 11.30 – 23.00 Sun: 12.30 – 22.00	Mrs Aileesh McGirr
	Stormont Hotel 587 Upper Newtownards Road	Renewal	Mon – Sun: 08.00 – 01.00	Moyola Cellars Ltd
	Harp Bar 35-39 Hill Street	Grant	Mon – Sat: 11.30 – 01.00 Sun: 12.30 – 00.00	Commercial Court Inns Ltd
	Odyssey Arena 2 Queens Quay	Renewal	Mon – Sun: 08.00 – 05.00	The Odyssey Trust Company Ltd
	McHughs Bar 29-31 Queens Square	Renewal and Transfer	Mon – Sat: 11.00 – 03.00 Sun: 11.00 – 01.00	Stuart Irwin and John Hansen KPMG
	Madisons 59-65 Botanic Avenue	Renewal	Mon – Thurs: 11.30 – 01.00 Fri – Sun: 11.30 – 03.00	Horatio Taverns Limited
	Kings Head 829-831 Lisburn Road	Renewal	Mon – Sat: 11.30 – 01.00 Sun: 12.30 – 00.00	Horatio Taverns Limited
	Shandon Park Golf Club 73 Shandon Park	Renewal	Mon – Sat: 11.30 – 23.00 Sun: 12.30 – 22.00	Mr Greg Bailie
2.2	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
	Designated site at Castle Lane (site 1)	Renewal Stationary	Flowers, fruit, vegetables and floral accessories	Mon – Sat: 09.00 – 21.00
				Mr Joseph Rea

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

5	Recommendation
5.1	The Committee is requested to note the applications which 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 Variation of a Seven-day Annual Entertainments Licence - The Errigle Inn, 312-320 Ormeau Road
Date:	11th December, 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 has been received from Mr Phillip McGurran for variation of a Seven-day Annual Entertainments Licence for The Errigle Inn, based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind.</p> <table><tr><td>Premises and Location</td><td>Ref. No.</td><td>Applicant</td></tr><tr><td>The Errigle Inn 312-320 Ormeau Road Belfast BT7 2GE</td><td>WK/201301660</td><td>Mr Phillip McGurran</td></tr></table>	Premises and Location	Ref. No.	Applicant	The Errigle Inn 312-320 Ormeau Road Belfast BT7 2GE	WK/201301660	Mr Phillip McGurran
Premises and Location	Ref. No.	Applicant					
The Errigle Inn 312-320 Ormeau Road Belfast BT7 2GE	WK/201301660	Mr Phillip McGurran					
1.2	<p>The areas licensed to provide entertainment are the:</p> <ul style="list-style-type: none">• Arbele lounge, with a maximum capacity of 176 persons• Marble Cedar lounge, with a maximum capacity of 90 persons• Phillip McGurran's bar, with a maximum capacity of 310 persons						
1.3	<p>The days and hours during which the premises are licensed to provide entertainment are:</p> <ul style="list-style-type: none">• Monday to Saturday: 11.30 a m to 1.00 a m the following morning, and• Sunday: 12.30 p m to 12.00 midnight						
1.4	<p>The premise operates as a night time venue with entertainment normally being provided from Thursday to Saturday inclusive. Entertainment is in the form of DJs and live bands.</p>						
1.5	<p>The nature of the variation applied for is to extend the hours during which entertainment may be provided as follows:</p> <ul style="list-style-type: none">• Monday to Saturday: 11.30 a m to 2.00 a m the following morning						
1.6	<p>The Licensee has confirmed that whilst he has applied to provide entertainment to 2.00am 6 days per week they regularly only provide entertainment from Thursday to Saturday inclusive and therefore will only normally be operating to 2.00 am on these days.</p>						

1.7	It would only be on special occasions that entertainment would be provided on a Monday, Tuesday or Wednesday.
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2	Key Issues
	<p>Reasons for the variation</p> <p>2.1 The licensee has confirmed that the extension in their permitted hours for entertainment to 2.00 a m will help him to compete with other venues operating to similar hours.</p> <p>2.2 Additionally the licensee has noted that patrons are now typically entering the premises later in the evening than in comparison to previous years. The extended hours also will enable him to maintain and create employment.</p> <p>2.3 A copy of an email from the applicant outlining the reasons for making the variation application is attached at Appendix 4.</p> <p>Representations</p> <p>2.4 No written representation has been lodged as a result of the public notices of the application.</p> <p>PSNI</p> <p>2.5 The PSNI has been consulted and has confirmed that they have no objection to the application. A copy of their correspondence is attached at Appendix 3.</p> <p>Health, safety and welfare inspections</p> <p>2.6 Since the last renewal, two during performance inspections have been carried out by Officers from the Service.</p> <p>2.7 The two inspections revealed that the conditions of licence were being adhered to and that the management of the premises was satisfactory.</p> <p>Noise issues</p> <p>2.8 The Environmental Protection Unit has confirmed that, since the Licence was renewed in November 2012 they have received no complaints.</p> <p>Licensee</p> <p>2.9 The applicant and/or his representative will be available to discuss any matters relating to the application should they arise during your meeting.</p>

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

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

5	Recommendations
5.1	<p>Taking into account the information presented and the representations received you are required to consider the application for the variation of this licence and to:</p> <ol style="list-style-type: none"> 1. Approve the application for the variation to extend the hours during which entertainment may be provided to 2.00am the following morning, or 2. Approve the application with special conditions; in addition to the standard conditions, or 3. Refuse the application for the variation of the licence
5.2	<p>If the application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court.</p>
5.3	<p>Should you refuse to vary the licence as requested, and the applicant decides to appeal, the licence will continue with its present conditions until the Appeal is determined.</p>

6	Decision Tracking
<p>If the application is granted, 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.</p> <p>If the application is refused, or special conditions are attached to the Licence to which the applicant does not consent the applicant will be advised in writing within 7 days of his right to appeal the Council's decision within 21 days of notification of that decision to the Magistrates' Court. The person responsible for this action is Henry Downey, Democratic Services Officer, Chief Executive's Department.</p>	

7	Documents Attached
<p>Appendix 1 - Application form</p> <p>Appendix 2 - Location map</p> <p>Appendix 3 - PSNI comments</p> <p>Appendix 4 -Rationale for extension of hours</p>	

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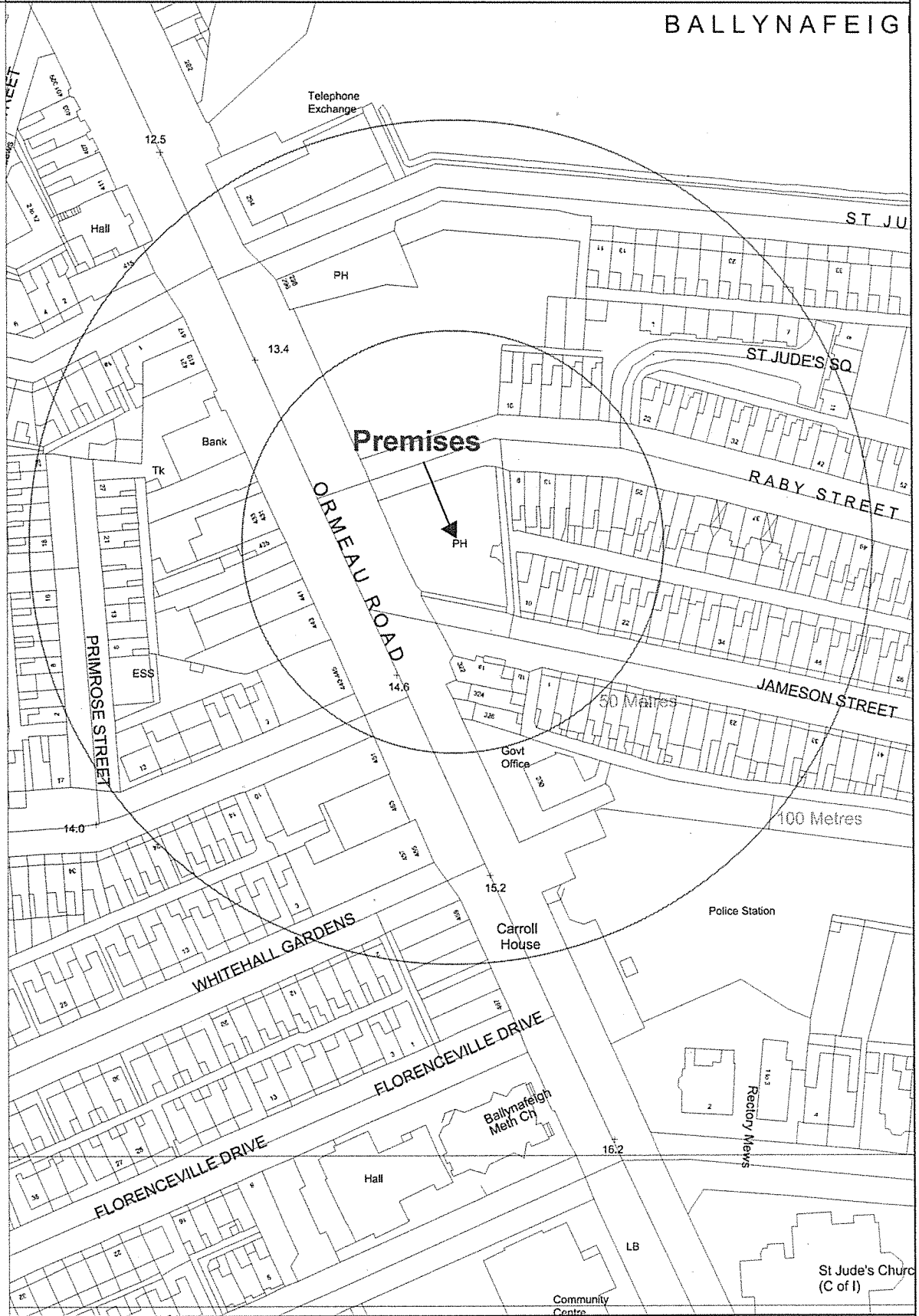


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DATE 02/12/2013

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 312-320 Ormeau Road

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Belfast City Council

Report to:	Licensing Committee
Subject:	Application for the Variation of a Seven-day Annual Entertainments Licence - Aether and Echo, 1-3 Lower Garfield Street
Date:	11th December, 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	An application has been received from Imbibe Limited for the variation of a Seven-day Annual Entertainments Licence for Aether and Echo (formerly The Deer's Head), based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind.		
	Premises and Location Aether and Echo 1-3 Lower Garfield Street Belfast, BT1 1FP	Ref. No. WK/201301557	Applicant Imbibe Limited 10a Ann Street Belfast, BT1 4EF
1.2	Mr Brian McGeown of Imbibe Limited is also the licensee for Love and Death Inc, Ann Street.		
1.3	The areas of the premises licensed to provide entertainment are the: <ul style="list-style-type: none">• Ground floor, with a maximum capacity of 150 persons• First floor, with a maximum capacity of 220 persons		
1.4	The days and hours during which the premises are currently licensed to provide entertainment on the ground floor are: <ul style="list-style-type: none">• Monday to Thursday: 11.30 a m to 1.00 a m the following morning, and• Friday to Saturday: 11.30 a m to 3.00 a m the following morning, and• Sunday: 12.30 p m to 12.00 midnight		
1.5	The premise operates as a public house with entertainment provided in the form of DJ's or live bands on a Friday and Saturday on the ground floor and a nightclub on the first floor. On Monday, Thursday, Friday and Saturday entertainment is provided in the form of a DJ or live bands.		
1.6	The nature of the variation is to increase the hours as noted above during which entertainment may be provided on a Monday and Thursday night to 3.00am the following morning.		

2	Key Issues
	<p>Reasons for the variation</p> <p>2.1 The licensee has stated that the variation to extend the permitted hours is required for the following reasons:</p> <p>2.2 Due to the layout of the first floor, the Licensee believes that it is suitable for use as a wedding venue and they believe that offering entertainment to 3.00 am may make the venue more appealing.</p> <p>2.3 The licensee plans to 'gig share' with clubs in Dublin and Derry on a Thursday evening, which consists of guest DJ's for specialised events. The licensee believes that the 3.00 am licence will also enable them to secure the services of these DJ's and acts.</p> <p>2.4 As the first floor is essentially one large open space the licensee may also offer the space as a gallery for the local artists from the colleges. Other options include a comedy club on a Monday with DJ's playing at intervals and after the comedy shows or the introduction of a gay friendly night on a Monday or Tuesday, if there is a need.</p> <p>2.5 The licensee is hopeful that these ideas will attract more business to this area and in turn make their venture more sustainable, successful and eventually profitable.</p> <p>2.6 A copy of an email from the applicant outlining the reasons for making the variation application is attached at Appendix 4.</p> <p>Representations</p> <p>2.7 No written representation has been lodged as a result of the public notices of the application.</p> <p>PSNI</p> <p>2.8 The PSNI have been consulted and have no objection to the application. A copy of their correspondence is attached at Appendix 3.</p> <p>Health, safety and welfare inspections</p> <p>2.9 Since the transfer of the Entertainments Licence was completed in September 2013 one during performance inspection has been carried out on the premises by Officers from the Service. No entertainment was being provided on that occasion.</p> <p>Noise issues</p> <p>2.10 The Environmental Protection Unit of the Department have confirmed that over the past 12 months they have received no complaints regarding noise disturbance due to noise/music breakout or from patron dispersal at the premises.</p> <p>Licensee</p> <p>2.11 The applicant and/or his representatives will be available to discuss any matters relating to the variation of the licence should they arise during your meeting.</p>

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

4	Equality and Good Relations Considerations
4.1	There are no relevant equality or good relations issues.

5	Recommendations
5.1	<p>Taking into account the information presented and the representations received you are required to consider the application for the variation of this licence and to:</p> <ol style="list-style-type: none"> 1. Approve the variation application to increase the hours during which entertainment may be provided on Monday and Thursday to 3.00 a m the following morning, or 2. Approve the variation application with special conditions; in addition to the standard conditions, or 3. Refuse the application for the variation of the licence.
5.2	<p>If the application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court. Should you refuse to vary the licence as requested, and the applicant decides to appeal, the licence will continue with its present conditions until the Appeal is determined.</p>

6	Decision Tracking
<p>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.</p> <p>If the application is refused, or special conditions are attached to the Licence to which the applicant does not consent the applicant will be advised in writing within 7 days of his right to appeal the Council's decision within 21 days of notification of that decision to the Magistrates' Court. The person responsible for this action is Henry Downey, Democratic Services Officer, Chief Executive's Department.</p>	

7	Documents Attached
<p>Appendix 1 - Application form</p> <p>Appendix 2 - Location map</p> <p>Appendix 3 - PSNI comments</p> <p>Appendix 4 - Rationale for extension of hours</p>	

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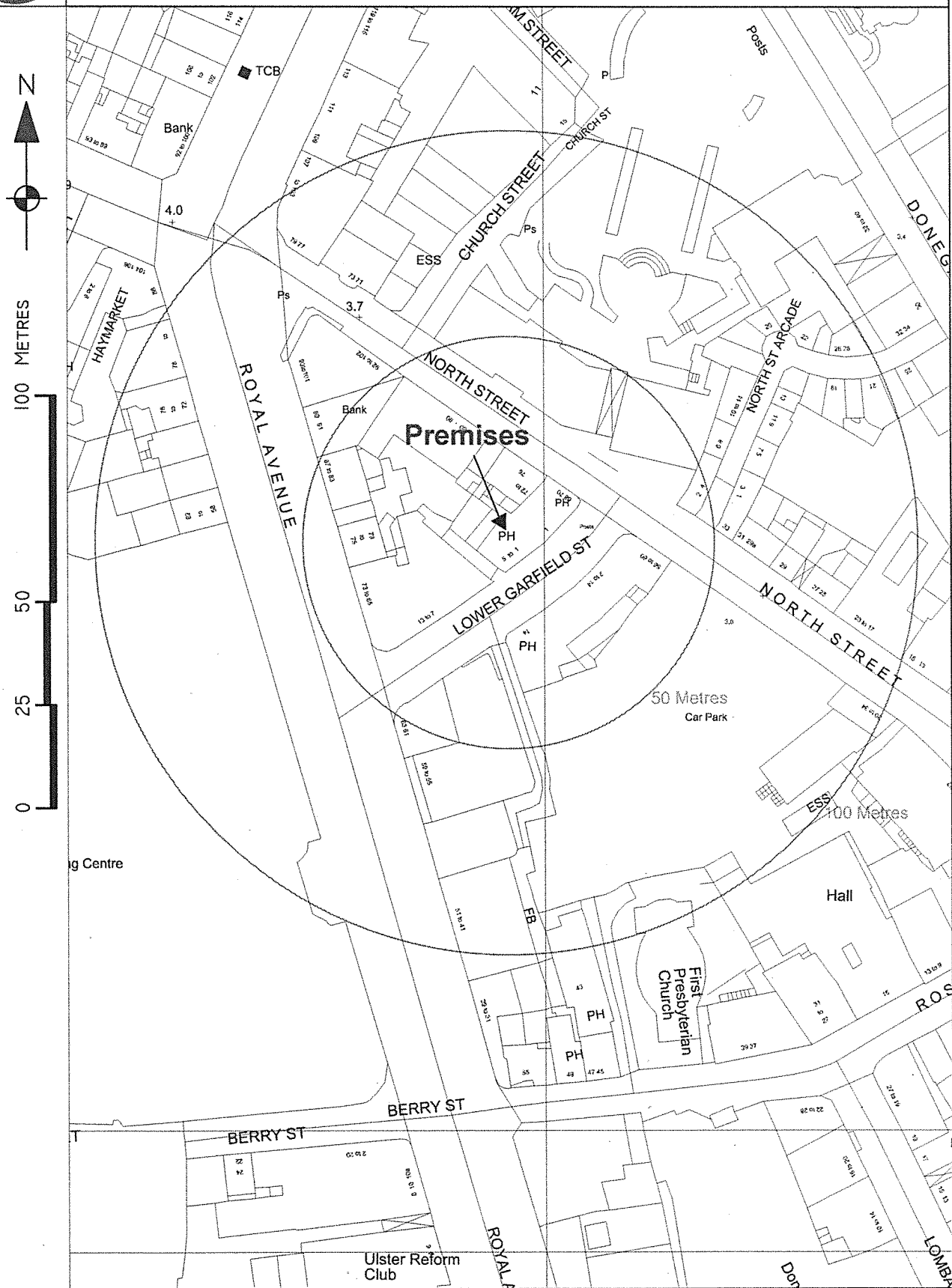
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Aether and Echo
 1-3 Lower Garfield Street

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Belfast City Council

Report to:	Licensing Committee
Subject:	Application for the Transfer and Variation of a Seven-day Annual Entertainment Licence - Ronnie Drew's, 79-83 May Street
Date:	11th December, 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>Applications have been received from Mr Dominic Malone, Stillery Inns Limited, for the transfer and variation of a Seven-day Annual Entertainments Licence for Ronnie Drews, based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind.</p> <table><tr><td>Premises and Location</td><td>Ref. No.</td><td>Applicant</td></tr><tr><td>Ronnie Drews 79-83 May Street Belfast BT1 3JL</td><td>WK/2013/1619</td><td>Mr Dominic Maloney Stillery Inns Limited</td></tr></table>	Premises and Location	Ref. No.	Applicant	Ronnie Drews 79-83 May Street Belfast BT1 3JL	WK/2013/1619	Mr Dominic Maloney Stillery Inns Limited
Premises and Location	Ref. No.	Applicant					
Ronnie Drews 79-83 May Street Belfast BT1 3JL	WK/2013/1619	Mr Dominic Maloney Stillery Inns Limited					
1.2	<p>The areas currently licensed to provide entertainment are the:</p> <ul style="list-style-type: none">• Ground floor bars, with a maximum capacity of 200 persons• First floor lounge, with a maximum capacity of 100 persons• First floor session bar, with a maximum capacity of 50 persons						
1.3	<p>The days and hours during which the premises are currently licensed to provide entertainment are:</p> <ul style="list-style-type: none">• Monday to Saturday: 11.30 a m to 1.00 a m the following morning, and• Sunday: 12.30 p m to 12.00 midnight						
1.4	<p>The premise provides entertainment on a Friday and Saturday night in the form of solo performers and small live bands.</p>						
1.5	<p>The nature of the variation applied for is to extend the hours during which entertainment may be provided as follows:</p> <ul style="list-style-type: none">• Friday and Saturday: 11.30 a m to 3.00 a m the following morning						

2	Key Issues
	Reasons for the variation
2.1	The licensee has stated that the variation to extend their permitted hours is required because he wishes to cater for the European and International visitors to the city and provide varied types of music for this clientele. The extension of hours will also allow Ronnie Drews to compete with other venues in Belfast City which have Entertainment Licences to 3.00am.
2.2	A copy of a letter from the applicant outlining the reasons for making the variation application is attached at Appendix 4.
	Representations
2.3	No written representation has been lodged as a result of the public notices of the application.
	PSNI
2.4	The PSNI has been consulted and has confirmed that they have no objection to the applications. However, they have suggested that the Committee give consideration to adding conditions to the Entertainments Licence regarding the employment of SIA registered door supervisors; the use of non-glass vessels when the venue operates beyond the hours of 12.30 a m and the installation of a suitable CCTV system.
2.5	The applicant has been informed of these proposals by the police and will be in a position to comment on whether he will be agreeable to some or all of them at your meeting.
2.6	A copy of the PSNI correspondence is attached at Appendix 3.
	Health, safety and welfare inspections
2.7	A total of two during performance inspections have been carried out on the premises by Officers from the Service in the last 12 months.
2.8	One inspection uncovered minor issues, including an emergency exit sign not being illuminated, which were quickly addressed.
2.9	The other inspection revealed that the conditions of the Entertainments Licence were being adhered to and Officers were satisfied that all operational and management procedures were being implemented effectively.
	Noise issues
2.10	The Environmental Protection Unit has confirmed that they have received no complaints for the premise.
	Licensee
2.11	The applicant and/or his representative will be available to discuss any matters relating to the applications should they arise during your meeting.

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

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

5	Recommendations
5.1	<p>Taking into account the information presented you are required to firstly consider the application for the transfer of the Licence from Studio Inns Ltd to Mr Dominic Malone of Stillery Inns Ltd and to:</p> <ol style="list-style-type: none"> 1. Approve the application for the transfer of the licence, or 2. Refuse the application for the transfer of the licence.
5.2	<p>Thereafter, if you agree to approve the transfer application, you are required to consider the application for the variation of the licence and to:</p> <ol style="list-style-type: none"> 1. Approve the application for the variation to extend the hours during which entertainment may be provided to 3.00am the following morning on Friday and Saturday nights, or 2. Approve the application with special conditions; in addition to the standard conditions, or 3. Refuse the application for the variation of the licence
5.3	If the applications are refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court.
5.4	Should you refuse to vary the licence as requested, and the applicant decides to appeal, the licence will continue with its present conditions until the Appeal is determined.

6	Decision Tracking
<p>If the applications are granted, 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.</p> <p>If the applications are refused, or special conditions are attached to the Licence to which the applicant does not consent the applicant will be advised in writing within 7 days of his right to appeal the Council's decision within 21 days of notification of that decision to the Magistrates' Court. The person responsible for this action is Henry Downey, Democratic Services Officer, Chief Executive's Department.</p>	

7	Documents Attached
<p>Appendix 1 - Application form</p> <p>Appendix 2 - Location map</p> <p>Appendix 3 - PSNI comments</p> <p>Appendix 4 - Rationale for extension of hours</p>	

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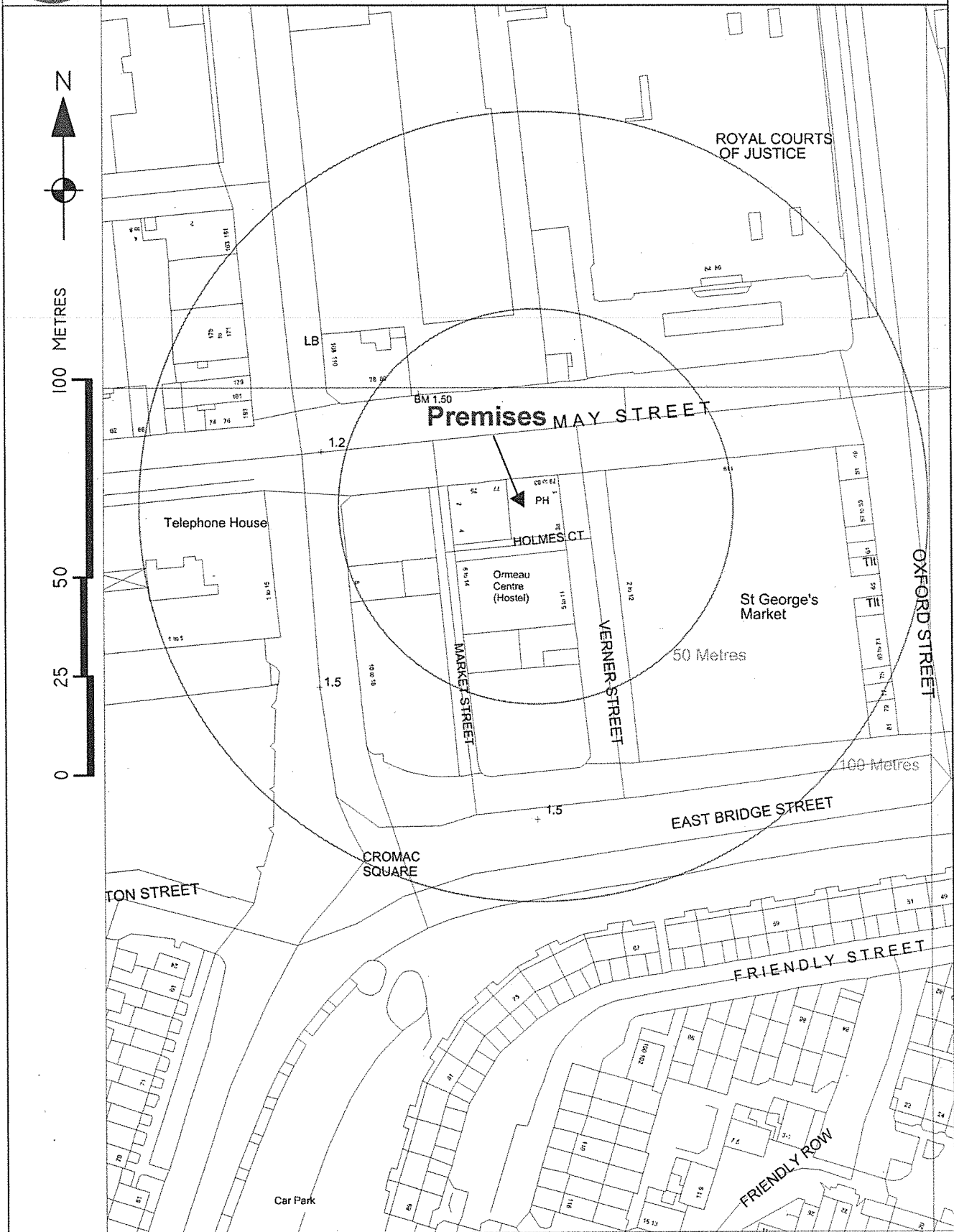
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DATE 02/12/2013

Ronnie Drews
79-83 May Street

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Belfast City Council

Report to:	Licensing Committee
Subject:	Competing Applications for a Stationary Street Trading Licence – Site 2, Berry Street
Date:	11th December, 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 are reminded that, at your meeting on 16 th October 2013, you considered separate Street Trading Licence applications from Miss Monika Szczesna and Mr Peter Robinson for the vacant designated site on Berry Street which is situated 46 ft. from the junction with Royal Avenue and runs along the wall at the Telecom Unit.
1.2	In considering these applications Committee noted the following: <ul style="list-style-type: none"> • Miss Monika Szczesna had applied to sell hand crafts, e-cigarettes, e-cigarette accessories and refills, seasonal accessories (Christmas, Easter, Halloween, etc.) leather goods and jewellery from a traditional market stall measuring 3m x 1.5m. • Mr Peter Robinson had applied to sell hand crafts, football souvenirs, vintage and collectable clothing, bags and fashion accessories and seasonal flowers from a traditional market stall measuring 3m x 1.5m.
1.3	A copy of the minute from that meeting is attached at Appendix 1.

2	Key Issues
2.1	After consideration, the Committee agreed that it was minded to grant to Miss Monika Szczesna a Stationary Street Trading Licence to sell hand crafts, e-cigarettes, e-cigarette accessories and refills, seasonal accessories (Christmas, Easter, Halloween, etc.) leather goods and jewellery from a traditional market stall measuring 3m x 1.5m from Monday to Saturday between the hours of 9.00am and 7.00pm and on a Sunday between the hours of 1.00pm to 6.00pm in Berry Street at a pitch designated previously by the Council for the sale of those commodities, subject to: <ul style="list-style-type: none"> (i) the applicant providing all necessary documentation; and (ii) the receipt of the appropriate licensing fees.
2.2	As a consequence of that decision, and that there was only one designated site available, the Committee agreed that it was minded to refuse the application which had been submitted by Mr. P. Robinson, on the grounds set out in Sections 9(a)(i) and 9(a)(iv) of the Street Trading Act (Northern Ireland) 2001, namely, that the location at which he wished to trade was unsuitable and that there were sufficient traders trading at that location in the articles, things or services in which he wished to trade.

2.3	Accordingly, Mr Robinson was notified that he would be permitted to make written representation to the Council with such representation to be made within twenty-one days from the date of notice.
2.4	Members are advised that Mr Robinson is not appealing the Committee's decision and has written to the Council (Appendix 2) in respect of this application, thanking them for their time and requesting that his application is held on record and if a suitable location becomes available that his application is considered for that site.
2.5	Officers have also contacted Mr Robinson and discussed with him the availability of sites.
2.6	Members are reminded that there is only one remaining pitch available at this site therefore once one application for a licence is granted the other will automatically be refused.

3	Resource Implications
	<u>Financial</u>
3.1	If the Committee grants a licence, the Street Trading Licence fee is as follows: <ul style="list-style-type: none"> • Application Fee of £100, and • A Licence fee, for Monday to Sunday, of £1,017 per annum.
	<u>Human Resources</u>
3.2	None.
	<u>Asset and Other Implications</u>
3.3	None.

4	Equality and Good Relations Considerations
4.1	There are no equality or good relations issues

5	Recommendations
5.1	The Committee must either to: <ol style="list-style-type: none"> 1. Uphold the initial decision of the 16th October 2013 and grant the Licence to Miss Monika Szczesna for a period of one year and refuse Mr Robinson's application, or 2. Amend its decision of 16th October 2013.
5.2	Should Members uphold the decision and grant the Licence to Miss Szczesna, Mr Robinson may appeal the Council's final decision within 21 days of notification of that decision to the Magistrates' Court.
5.3	If Members amend their decision of 16 th October it should give the grounds for so doing and that a date for a special meeting be arranged to hear from both applicants again before making the final decision.
5.4	On granting a licence, Members may attach any reasonable conditions to it they so decide.

6	Decision Tracking
<p>If the Committee affirms its decision of 16th October 2013, assuming all outstanding technical matters have been dealt with, Miss Szczesna will be sent a copy of the licence within 7 days of the Council decision.</p> <p>The person responsible for this action is Trevor Martin, Head of Building Control.</p> <p>Mr Robinson will be advised in writing of the final decision of the Council within 7 days and advised of his right to appeal the Council's decision within 21 days of notification of that decision to the Magistrates' Court.</p> <p>The person responsible for this action is Henry Downey, Democratic Services Officer, Chief Executive's Department.</p> <p>If Committee amend their decision of 16th October 2013 both applicants will be informed that a special meeting will be arranged to hear from them again before a final decision is made.</p> <p>The person responsible for this action is Henry Downey, Democratic Services Officer, Chief Executive's Department</p>	

7	Documents Attached
<p>Appendix 1: Minute of meeting of 16th October 2013</p> <p>Appendix 2: Letter from Mr Robinson</p>	

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Licensing Committee

16th October, 2013

Extract of Minutes

**Competing Applications for a Stationary Street
Trading Licence – Site 2, Berry Street**

The Committee was advised that competing applications had been received from two persons wishing to trade from a vacant designated site in Berry Street, 46 feet from its junction with Royal Avenue. The Head of Building Control reviewed the applications, one of which had been submitted by Ms. Monika Szczesna, who had applied to sell, from a traditional market stall measuring 3 metres by 1.5 metres, hand crafts, e-cigarettes, e-cigarette accessories and refills, seasonal accessories, leather goods and jewellery from Monday to Saturday between the hours of 9.00 a.m. and 7.00 p.m. and on a Sunday from 1.00 p.m. till 6.00 p.m. He explained that the applicant had, in September, 2013, been granted a Street Trading Licence to trade from a designated site in Lower Garfield Street. However, she had advised Council officers that her preferred site was that in Berry Street and that, should her application be successful, she would vacate her current site.

He reported that the second applicant, namely, Mr. Peter Robinson, was seeking to sell, from a traditional market stall measuring 3 metres by 1.5 metres, hand crafts, football souvenirs, vintage and collectable clothing, bags and fashionable accessories and seasonal flowers from Monday to Saturday between the hours of 9.00 a.m. and 7.00 p.m. and on a Sunday from 12.00 noon till 6.00 p.m. The applicant had held a Licence in 2003 for a site in Fountain Lane, which he had operated in accordance with the Street Trading legislation.

The Head of Building Control informed the Members that written objections to both applications had been received from Mr. M. Gulusen, who had, in September 2011, been granted by the Committee a Street Trading Licence to sell a range of commodities from a designated site in Berry Street, 32 feet from its junction with Royal Avenue. The Committee had agreed that leather goods should comprise 50% of those commodities, in view of the fact that they were handmade and unique and would add value to tourism. Mr. Gulusen's objections had been based primarily on the fact that he provided currently many of the goods which the applicants were proposing to sell and that his trade could be affected, should the Committee approve either of the applications.

He confirmed that all three parties had been invited to attend the meeting and that it was normal practice for the objector to address the Committee in advance of the applicants. However, having been advised that Mr. Gulusen had not yet arrived, the Committee agreed to receive the applicants and Mr. P. Robinson was welcomed to the meeting.

Mr. Robinson outlined the extent of his trading experience to date and confirmed that he was proposing to sell, from an attractive stall, well-presented original high quality goods of local significance which would add interest and vibrancy to the area. Those goods, which would include distinct handmade pendants and necklaces, would differ from those sold by Mr. Gulusen and would, therefore, be unlikely to impact upon his trade.

Mr. Robinson thanked the Committee for receiving him and he retired from the meeting.

Ms. M. Szczesna, together with Mr. B. Brzezinski, her advisor, were then admitted to the meeting.

Ms. Szczesna circulated for the Members' information photographs of the type of stall from which she wished to trade. She outlined the range of commodities which she was proposing to sell, which would include unique hand-crafted items made of ceramic, glass, metal or wood, and pointed out that they would add to the attractiveness of her stall and to the general area. In terms of Mr. Gulusen's objection, she pointed out that, since he was not selling items such as e-cigarettes or their accessories, which she would be offering, his business would not be affected.

In response to a question from a Member, Ms. Szczesna confirmed that she had applied to trade from the site in Lower Garfield Street until such times as her application for the one in Berry Street had been processed. She pointed out that, whilst she had held the Licence for Lower Garfield Street for a few weeks, she had yet to trade from there and that she was willing to vacate that site should the Committee grant her current application, as Berry Street was her preferred location.

The Chairman thanked Ms. Szczesna and Mr. Brzezinski for being in attendance and they left the meeting.

It was reported that Mr. M. Gulusen was now available to address the Committee and he was admitted to the meeting.

Mr. Gulusen informed the Members that he had built up his street trading business over a number of years. He explained that he was not objecting to the presence of another street trading stall in Berry Street but on the basis that he was providing already many of the commodities which the applicants were proposing to sell, which would have a detrimental effect upon his business. He added that e-cigarettes and their accessories were not in keeping with the type of commodities which the Committee had licensed him to sell and that the Council should not be seen to be promoting such products.

Mr. Gulusen was thanked by the Chairman and he left the meeting.

The Council's Solicitor informed the Committee that, under the provisions of the European Union legislation and the European Union Services Directive in particular, the Committee could not refuse an application solely on economic grounds. It could, however, as had been the case with previous applications, refuse an application on the grounds, as set out within Section 9(iv) of the Street Trading Act (Northern Ireland) 2001, that there were sufficient traders trading in the street in the commodities in which the applicant wished to trade.

After a lengthy discussion, it was

Moved by Councillor Hussey,

Seconded by The Deputy Lord Mayor Alderman Stalford,

That the Committee, in its capacity as Licensing Authority, agrees, in view of the unique nature of the commodities which he is offering for sale, that it is minded to grant to Mr. P. Robinson a Stationary Street Trading Licence to sell hand crafts, football souvenirs, vintage and collectable clothing, bags and fashionable accessories and seasonal flowers from Monday to Saturday between the hours of 9.00 a.m. and 7.00 p.m. and on a Sunday from 12.00 noon till 6.00 p.m. in Berry Street, 46 feet from its junction with Royal Avenue, at a site which has been designated previously for the sale of those commodities, subject to:

- (i) the applicant providing all necessary documentation; and
- (ii) the receipt of the appropriate licensing fees.

Amendment

Moved by Councillor Keenan,
Seconded by Councillor Mallon,

That the Committee, in its capacity as Licensing Authority, agrees, in view of the fact that her application was the first to be submitted, that it is minded to grant to Ms. M. Szczesna a Stationary Street Trading Licence to sell hand crafts, e-cigarettes, e-cigarette accessories and refills, seasonal accessories, leather goods and jewellery from Monday to Saturday between the hours of 9.00 a.m. and 7.00 p.m. and on a Sunday from 1.00 p.m. and 6.00 p.m. in Berry Street, 46 feet from its junction with Royal Avenue, at a site which has been designated previously for the sale of those commodities, subject to:

- (i) the applicant providing all necessary documentation; and
- (ii) the receipt of the appropriate licensing fees.

On a vote by show of hands eight Members voted for the amendment and five against and it was accordingly declared carried.

The amendment was thereupon put to the meeting as the substantive motion when eight Members voted for and seven against and it was accordingly declared carried.

As a consequence of the decision to grant the Licence to Ms. Szczesna and the fact that there was only one designated site available, the Committee agreed that it was minded to refuse the application which had been submitted by Mr. P. Robinson, on the grounds set out in Sections 9(i) and 9(iv) of the Street Trading Act (Northern Ireland) 2001, namely, that the location at which he wished to trade was unsuitable and that there were sufficient traders trading at that location in the articles, things or services in which he wished to trade.

The Head of Building Control informed the Members that the unsuccessful applicant would be advised that, in accordance with Section 12 (2)(b) of the Street Trading Act (Northern Ireland) 2001, he would be permitted to make written representation to the Council within twenty-one days from the date of notice.

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Belfast City Council

Report to:	Licensing Committee
Subject:	Competing Applications for a Stationary Street Trading Licence - Shaw's Bridge Car Park
Date:	11th December, 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 are reminded that, at your meeting on 16 th October, you considered separate Street Trading Licence applications from Mr Kenneth Chivers, Mr Robert Adair and Mr Paul Chivers for the designated site on Shaw's Bridge car park.
1.2	<p>In considering these applications Committee noted the following:</p> <ul style="list-style-type: none"> • Mr Kenneth Chivers reported that he had, since 2012, held a Stationary Street Trading Licence permitting him to sell ice cream, confectionery and non-alcoholic drinks from the car park at Shaw's Bridge. • For four years prior to that, he had been employed there by his father, who had been the licensee at that time. He explained that he strove to provide a high quality service and he pointed out that his business had attained consistently a 5-star rating from the Council in terms of its food hygiene and that his van had been specially adapted to reduce fuel emissions and was maintained regularly. In addition, he provided, during peak times, additional receptacles for waste and ensured that all litter generated by the operation of his business was removed from the site when he ceased trading. • Mr Friel, legal representative for Mr Paul Chivers, informed the Committee that he had, for the past two years, been licensed as a mobile street trader to sell ice cream and other products in Finaghy, Taughmonagh and the surrounding areas. • In July of this year, he had secured a contract to trade within the Sir Thomas and Lady Dixon Park, which had necessitated the purchase of a second van. He made the point that his client provided his customers with a high standard of service, which had been reinforced within a letter of support from a local community development association, and that his business had been awarded a 5-star rating by the Council in recognition of the strict hygiene standards which he maintained. He explained that his client was seeking to expand his business to sell ice cream, confectionery and hot beverages within the car park at Shaw's Bridge, which would require the acquisition of a third van and the recruitment of another employee. • Mr Wayne Adair represented his brother, Robert Adair, who had been unable to attend the meeting. Mr Adair reported that his brother had approximately thirty years' experience of trading and that he had operated previously for twelve years in the Botanic Gardens.

	<ul style="list-style-type: none"> In addition, he held mobile Street Trading Licences in two other council areas and had achieved accreditation in recognition of his high hygiene standards. He explained that the applicant was proposing to sell locally produced ice cream and other commodities such as fruit, juices, milk shakes and hot drinks and that no illegal products would be stocked. In addition, the site would be kept clean and any rubbish would be removed at the end of each day.
1.3	A copy of the minute of that meeting is attached.

2	Key Issues
2.1	<p>After consideration, the Committee agreed that it was minded to grant to Mr Kenneth Chivers a Stationary Street Trading Licence to sell, from a van measuring 4 metres by 2 metres, ice cream, non-alcoholic beverages and confectionery from Monday to Sunday between the hours of 11.00am and 8.00pm in the car park at Shaw's Bridge, at a pitch designated previously by the Council for the sale of those commodities, subject to:</p> <ul style="list-style-type: none"> (i) the applicant providing all necessary documentation; and (ii) the receipt of the appropriate licensing fees.
2.2	As a consequence of that decision, and the fact that there was only one designated site available, the Committee agreed that it was minded to refuse the applications which had been submitted by Mr P. Chivers and Mr R. Adair, on the grounds set out in Sections 9(a)(i) and 9(a)(iv) of the Street Trading Act (Northern Ireland) 2001, namely, that the location at which they wished to trade was unsuitable and that there were sufficient traders trading at that location in the articles, things or services in which they wished to trade.
2.3	Accordingly, Mr P. Chivers and Mr R. Adair were notified that they would be permitted to make written representation to the Council with such representation to be made within twenty-one days from the date of notice.
2.4	Mr P. Chivers and Mr R. Adair have not made any written representation to the Council in respect of this application and they have informed us that they are not appealing the Committee's decision.
2.5	Members are reminded that there is only one pitch at this site therefore once one application for a licence is granted the others will automatically be refused.

3	Resource Implications
	<u>Financial</u>
3.1	<p>If the Committee grants a Licence the Street Trading Licence fee is as follows:</p> <ul style="list-style-type: none"> Application Fee of £100, and A Licence fee, for Monday to Sunday, of £1,017 per annum.
	<u>Human Resources</u>
3.2	None.
	<u>Asset and Other Implications</u>
3.3	None.

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

5	Recommendations
5.1	<p>The Committee must agree either to:</p> <ol style="list-style-type: none"> 1. Affirm its decision of the 16th October 2013 and grant the Licence to Mr Kenneth Chivers for a period of three years and refuse Mr P. Chivers' and Mr R. Adair's applications, or 2. Amend its decision of 16th October 2013.
5.2	Should Members uphold the decision and grant the Licence to Mr Kenneth Chivers. Mr P. Chivers and Mr R. Adair may appeal the Council's final decision within 21 days of notification of that decision to the Magistrates' Court.
5.3	If Members amend their decision of 16 th October 2013 it should give the grounds for so doing and that a date for a special meeting be arranged to hear from both applicants again before making the final decision.
5.4	On granting a licence, Members may attach any reasonable conditions to it they so decide.

6	Decision Tracking
<p>If Members uphold their decision of 16th October 2013, assuming all outstanding technical matters have been dealt with, Mr Kenneth Chivers will be sent a copy of the licence within 7 days of the Council decision.</p> <p>The person responsible for this action is Trevor Martin, Head of Building Control.</p> <p>Mr P. Chivers and Mr R. Adair will be advised in writing of the final decision of the Council within 7 days and advised of their right to appeal the Council's decision within 21 days of notification of that decision to the Magistrates' Court.</p> <p>The person responsible for this action is Henry Downey, Democratic Services Officer, Chief Executive's Department.</p> <p>If Committee amend its decision of 16th October 2013 the applicants will be informed that a special meeting will be arranged to hear from them again before a final decision is made.</p> <p>The person responsible for this action is Henry Downey, Democratic Services Officer, Chief Executive's Department.</p>	

7	Document Attached
Minutes of Committee meeting of 16 th October 2013	

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Licensing Committee

16th October, 2013

Extract of Minutes

**Competing Applications for a Stationary Street
Trading Licence - Shaw's Bridge Car Park**

The Head of Building Control informed the Committee that competing applications had been received from three persons wishing to trade from a designated site at the above-mentioned location. He provided an overview of the applications, the first of which had been submitted by Mr Kenneth Chivers, the current licensee of the site, who had, since July 2012, been selling ice cream, non-alcoholic beverages and confectionery from Monday to Sunday between the hours of 11.00 a.m. and 8.00 p.m. The second applicant, Mr. Paul Chivers, who was an uncle of Mr. Kenneth Chivers, had applied to sell ice cream, non-alcoholic beverages and confectionery from Monday to Sunday between the hours of 10.00 a.m. and 8.00 p.m. Mr. P. Chivers held a Mobile Street Trading Licence for the Finaghy, Ladybrook, Suffolk and Taughmonagh areas and had operated in accordance with the Street Trading Act (Northern Ireland) 2001. The final applicant, namely, Mr. Robert Adair, was seeking to sell ice cream, candy floss, non-alcoholic beverages and confectionery from Monday to Sunday between 12.00 noon and 8.00 p.m. Mr. Adair had, from 2008 till 2011, held a Street Trading Licence to sell ice cream from a site in Berry Street. However, he had traded there for only one month before vacating the site, once it had been established that his stall was substantially larger than that permitted.

He reported that Mr. K. Chivers, Mr. P. Chivers and Mr. W. Adair, the brother of Mr. R. Adair, were in attendance in order to brief the Committee on the applications and Mr. K. Chivers was admitted to the meeting.

Mr. Chivers reported that he had, since 2012, held a Stationary Street Trading Licence permitting him to sell ice cream, confectionery and non-alcoholic drinks from the car park at Shaw's Bridge. For four years prior to that, he had been employed there by his father, who had been the licensee at that time. He explained that he strove to provide a high quality service and he circulated for the Members' attention a list of customers, all of whom had affirmed that assertion. He pointed out that his business had attained consistently a 5-star rating from the Council in terms of its food hygiene and that his van had been specially adapted to reduce fuel emissions and was maintained regularly. In addition, he provided, during peak times, additional receptacles for waste and ensured that all litter generated by the operation of his business was removed from the site when he ceased trading.

Mr. Chivers thanked the Committee for receiving him and he left the meeting.

Mr. P. Chivers, together with Mr. O. Friel, his legal representative and Mr. B. Topping, his employee, were welcomed to the meeting.

Mr. Friel informed the Committee that Mr. P. Chivers had, for the past two years, been licensed as a mobile street trader to sell ice cream and other products in Finaghy, Taughmonagh and the surrounding areas. In July of this year, he had secured a contract to trade within the Sir Thomas and Lady Dixon Park, which had necessitated the purchase of a second van. He made the point that his client provided his customers with a high standard of service, which had been reinforced within a letter of support from a local community development association, and that his business had been awarded a 5-star rating by the Council in recognition of the strict hygiene standards which he maintained. He explained that

his client was seeking to expand his business to sell ice cream, confectionery and hot beverages within the car park at Shaw's Bridge, which would require the acquisition of a third van and the recruitment of another employee. The fact that he retained an interest in the site, despite being unsuccessful with a previous application, demonstrated his continued desire to provide a service to customers at that location.

The Chairman thanked the delegation for being in attendance and they retired from the meeting.

Mr. W. Adair was then admitted to the meeting and welcomed by the Chairman.

Mr. Adair reported that his brother, who had been unable to attend the meeting, had approximately thirty years' experience of trading and that he had operated previously for twelve years in the Botanic Gardens. In addition, he held mobile Street Trading Licences in two other council areas and had achieved accreditation in recognition of his high hygiene standards. He explained that the applicant was proposing to sell locally produced ice cream and other commodities such as fruit, juices, milk shakes and hot drinks and that no illegal products would be stocked. In addition, the site would be kept clean and any rubbish would be removed at the end of each day.

Mr. Adair was thanked for his contribution and he left the meeting.

After discussion, the Committee, agreed, in its capacity as Licensing Authority, that it was minded, in view of the fact that he was the current licensee and that he had operated the site in accordance with the Street Trading legislation, to grant to Mr. Kenneth Chivers a Stationary Street Trading Licence to sell, from a van measuring 4 metres by 2 metres, ice cream, non-alcoholic beverages and confectionery from Monday to Sunday between the hours of 11.00 a.m. and 8.00 p.m. in the car park at Shaw's Bridge, at a pitch which had been designated previously for the sale of those commodities, subject to:

- (i) the applicant providing all necessary documentation; and
- (ii) the receipt of the appropriate licensing fees.

As a consequence of the decision to grant the Licence to Mr. Kenneth Chivers and the fact that there was only one designated site available, the Committee agreed that it was minded to refuse the applications which had been submitted by Mr. P. Chivers and Mr. R. Adair, on the grounds set out in Sections 9(i) and 9(iv) of the Street Trading Act (Northern Ireland) 2001, namely, that the location at which they wished to trade was unsuitable and that there were sufficient traders trading at that location in the articles, things or services in which they wished to trade.

The Head of Building Control informed the Members that the unsuccessful applicants would be advised that, as required under Section 12 (2)(b) of the Street Trading Act (Northern Ireland) 2001, they would be permitted to make written representation to the Council within twenty-one days from the date of notice.



Belfast City Council

Report to:	Licensing Committee
Subject:	Application for the Variation of a Mobile Street Trading Licence
Date:	11th December, 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 are reminded that, at your meeting on 18 th September, you considered an application by Mr Kevin McShane to vary his Mobile Street Trading Licensed route to include the additional area of the Falls on his Licence.
1.2	<p>In considering the application Committee noted the following:</p> <ul style="list-style-type: none"> • Mr McShane is already licensed for the Turf Lodge, Ladybrook, Finaghy, Andersonstown and Suffolk areas of the City for the sale of ice cream, confectionery and non alcoholic beverages from Monday to Sunday between the hours of 2.00pm and 10.30pm. • There are already 4 Mobile Street Trading Licences for the sale of ice cream, confectionery and non alcoholic beverages operating in the Falls area. • Objections had been received from Mr William O'Halloran, Mr Robert Morelli Jnr, Mr Robert Morelli Snr and Mr Angelo Morelli who all hold Mobile Street Trading Licences for the sale of ice cream in the Falls area. The objectors had been invited to attend the meeting to assist Members in their discussions. The nature of their objections were that: <ol style="list-style-type: none"> 1. The Falls area already has sufficient mobile vans; 2. They (the objectors) are already struggling financially; 3. Consideration should be given to residents who will be oversupplied with ice cream and mobile shop vans; and 4. The applicant, in their opinion, is already licensed for enough areas. • Mr. R. Morelli addressed the Committee and reiterated the above objections which had been outlined within the report. He indicated that, should the Committee accede to the request to vary the applicant's licence, it would impact on existing trade within the area. He pointed out that the number of vans which operated in the area was sufficient to meet current demand. In addition, he suggested that any variation to the applicant's licence would, given the loss of income which might be incurred, result in further applications being submitted by the objectors to vary their own particular mobile trading licences to enable them to operate in additional areas.

1.3	<ul style="list-style-type: none"> Mr. McShane addressed the Committee and suggested that his request was reasonable given that the objectors had, he claimed, been operating outside the areas which had been specified within their licences. This, he pointed out, had impacted on his own trade and he explained that the variation to his licence would enable him to compete for business on an equitable basis. <p>A copy of the minute from that meeting is attached at Appendix 1.</p>
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2	Key Issues
2.1	The Committee, having heard from the applicant and the objectors, agreed that it was minded to refuse the application which had been submitted by Mr McShane for the variation of his Mobile Street Trading Licence, on the grounds that there are sufficient traders within the Falls area offering the goods in which he wishes to trade.
2.2	As a consequence of this decision, Mr McShane was notified that he would be permitted to make written representation to the Council with such representation to be made within twenty-one days from the date of notice.
2.3	<p>Members are advised that Mr McShane's solicitor has made written representation (Appendix 2) on his behalf to the Council in respect of this application. The main points from the letter are:</p> <ul style="list-style-type: none"> The Falls Road is an area with a large population which is currently serviced by four licensed traders. Mr Morelli senior obtained the licence in August 2013 to trade in the public parks of West Belfast and they state that it would be difficult for him to provide an adequate service to the Falls area together with these public parks. Given the size of the area and the population covered there is no evidence upon which the committee could properly conclude that four traders was a sufficient number for the Falls Road. The Committee failed to have adequate regard for the prohibition under European Law of anti-competition regulations and the need to ensure that no one business obtains dominance in a given market. The restricted number of licences that have been issued fails to meet the demand of the public for goods and services and this could lead to the proliferation of illegal ice cream vans. Mr McShane has been a licensed trader for the past five years and his intention, if granted the variation on his licence, would be to employ more staff to cover the additional area. In the current economic climate the creation of any employment in area of deprivation such as west Belfast should be encouraged by the Council rather than discouraged.

3	Resource Implications
3.1	<p><u>Financial</u></p> <p>If the Committee grants a variation of licence, the Street Trading Licence fee remains the same. The applicant was charged an administration fee of £50.</p>

	<u>Human Resources</u>
3.2	None.
	<u>Asset and Other Implications</u>
3.3	None.

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

5	Recommendation
5.1	The Committee is requested to either: <ol style="list-style-type: none"> 1. Affirm its decision of 18th September 2013 and refuse Mr McShane's application, or 2. Amend its decision of 18th September 2013.
5.2	Should Members uphold the decision Mr McShane may appeal the Council's final decision within 21 days of notification of that decision to the Magistrates' Court.
5.3	If Members amend their decision of 18 th September 2013 and grant the variation they should give the grounds for so doing.
5.4	On varying a licence, Members may attach any reasonable conditions to it they so decide.

6	Decision Tracking
<p>If Members uphold their decision of 18th September 2013, Mr McShane will be advised in writing of the final decision of the Council within 7 days and advised of his right to appeal the Council's decision within 21 days of notification of that decision to the Magistrates' Court.</p> <p>The person responsible for this action is Henry Downey, Democratic Services Officer, Chief Executive's Department.</p> <p>If Committee amend their decision of 18th September 2013 and grant the variation, assuming all outstanding technical matters have been dealt with, Mr McShane will be sent a copy of the licence within 7 days of the Council decision.</p> <p>The person responsible for this action is Trevor Martin, Head of Building Control.</p>	

7	Documents Attached
<p>Appendix 1: Minute of meeting of 18th September 2013.</p> <p>Appendix 2: Mr McShane's letter of appeal.</p>	

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Licensing Committee

18th September, 2013

Extract of Minutes

Application for the Variation of a Mobile Street Trading Licence

The Committee considered the undernoted report:

“1 Relevant Background Information

- 1.1 The Committee will recall that, at its meeting on 21st September, 2011, it had considered an application by Mr Kevin McShane to vary the route on his Mobile Street Trading Licensed to include the additional area of the Falls on his Licence.
- 1.2 Mr McShane is already Licensed for the Turf Lodge, Ladybrook, Finaghy, Andersonstown and Suffolk areas of the City for the sale of ice cream, confectionery and non alcoholic beverages from Monday to Sunday between the hours of 2 p.m. and 10.30 p.m.
- 1.3 There are already 4 Mobile Street Trading Licences for the sale of ice cream, confectionery and non alcoholic beverages operating in the Falls area.
- 1.4 A table is attached for information of Members showing these 4 existing traders and the areas of west Belfast in which they trade as well as the applicant and his areas of trade.

Statutory Consultees

- 1.5 The Police Service of Northern Ireland and the DRD Roads Service have no objections to the application.

Objectors

- 1.6 Objections have been received from Mr William O'Halloran, Mr Robert Morelli Jnr, Mr Robert Morelli Snr and Mr Angelo Morelli who all hold Mobile Street Trading Licences for the sale of ice cream in the Falls area. The objectors have been invited to attend the meeting to assist Members in their discussions. The nature of their objections is that:
 - 1. The Falls area already has sufficient mobile vans;
 - 2. They are already struggling financially;
 - 3. Consideration should be given to residents who will be oversupplied with ice cream and mobile shop vans; and
 - 4. The applicant, in their opinion, is already licensed for enough areas.

- 1.7 The Morrellis further state that if the Council licence Mr McShane for the Falls area, they will in turn apply for the areas he trades in.
- 1.8 Members will recall that at their meeting in September 2011 they agreed to defer the report to enable a legal opinion to be sought in respect of deciding on competing street trading licence applications and whether the Council can restrict the number of street traders on the basis that it would be detrimental to existing street traders and/or fixed business premises.

Legal Opinion

- 1.9 Counsel's advice has now been received in relation this issue. In summary, he agrees that the Council can apply criteria over and above what the Street Trading Act states, provided it is in keeping with the intention of the legislation. However, the Council cannot restrict the number of traders on the basis that it would be detrimental to existing traders as it would be contrary to the European Services Directive and subsisting primary competition legislation, namely the Competition Act 1998.
- 1.10 Members will note that some of the objections received relate to the granting of a further licence having a detrimental effect financially on their businesses. In light of Counsel's opinion, that aspect of the objections cannot be taken into account.
- 1.11 In order to determine this application the focus must be on whether the services already provided within the area are sufficient, not whether the granting of a further licence or licences would reduce the revenue stream of the existing licence holders or businesses within the area.

2 Key Issues

- 2.1 The Street Trading Act (Northern Ireland) 2001 (the Act) places a statutory obligation on a district council to grant an application for a street trading licence unless there are sufficient grounds to refuse it.
- 2.2 Section 8 of the Act sets out circumstances in which an application must be refused, however there are no such grounds of refusal applicable to this licence application.
- 2.3 Section 9 of the Act sets out discretionary grounds under which a district council may refuse to grant an application.
- 2.4 9. (1) A Council may refuse an application on any of the following grounds - (a) that –
- I. the location at which the applicant wishes to trade as a stationary trader is unsuitable;
 - II. the space in the designated street in which the applicant wishes to trade as a stationary trader is inadequate for the applicant to do so without causing undue interference or inconvenience to persons or vehicles using the street;

- III. the area or areas of the district in which the applicant wishes to trade as a mobile trader are unsuitable for the applicant to do so without causing undue interference or inconvenience to persons or vehicles in the area or areas;
 - IV. there are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade;
 - V. the nature of the articles, things or services in which the applicant wishes to trade is such that their sale or supply, or their preparation for sale or supply, would adversely affect the general amenity of the area in which the applicant wishes to trade;
- (b) that the applicant has, in connection with the application, made a statement which he knows to be false in a material particular;
 - (c) that the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence;
 - (d) that the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;
 - (e) that the applicant has at any time been granted a street trading licence by the council, which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to the council in respect of the licence;
 - (f) that the applicant has failed to provide the particulars required by the council to deal with the application;
 - (g) that the applicant has failed to provide or identify suitable or adequate arrangements for storing any articles, things or receptacles in or with which he proposes to trade.

2.5 Members are reminded that the Council in March 2011, agreed an amended Street Trading Licensing Policy to allow for circumstances where there are multiple mobile licences in a similar geographical area within the City. Section 5 of the Policy provides guidance on how to deal with licence applications and states that without prejudice to the discretionary grounds for refusing an application the Council may also take the following into account:

- (a) The suitability of the application in the context of the area or street;
- (b) The suitability of allowing more than one application in the area or street;

- (c) The commodities or services which each applicant intends to sell or supply;
 - (d) The merits of each application in the context of the character and appearance of the proposed area;
 - (e) Whether a mobile trader/a number of mobile traders will affect the character and appearance of the proposed area;
 - (f) Any potential adverse impact caused to the character and appearance of the proposed location by the application, by a mobile trader or by a number of mobile traders;
 - (g) The extent to which the sale of the commodity will provide a useful service not otherwise provided in the area.
- 2.6 There is a right of appeal to the Magistrate's Court against any refusal on these grounds.
- 2.7 The applicant has been invited to appear before Committee and to make a brief presentation on matters such as how the business will be operated, how the commodities he proposes to sell will add to the area and address any concerns or objections to his proposal.
- 2.8 After considering the representations, you will then be required to either grant or refuse the application to vary the Licence.

3 Resource Implications

Financial

- 3.1 If the Committee grants a variation of licence, the Street Trading Licence fee remains the same. The applicant was charged an administration fee of £50.

Human Resources

- 3.2 None

4 Equality Implications

- 4.1 There are no equality or good relations issues.

5 Recommendations

- 5.1 Based on the submissions presented and considering any amendments to the application, the Committee is requested to consider the application, in accordance with the Council's Street Trading Policy, and decide whether:
- 1. to grant and approve the variation; or
 - 2. to grant and approve the variation with additional Conditions;

- 3. it is minded to refuse the variation application, under the discretionary grounds as outlined at paragraph 2.4 above,**
- 5.2 Members may attach any reasonable conditions when granting a licence.**
- 5.3 When minded to refuse a licence application or grant a licence subject to conditions, the applicant must be informed that they will be permitted to make representation regarding the refusal grant a licence subject to conditions to the Council, with such representations to be made not less than twenty-one days from the date of notice.**
- 5.4 As a consequence, the actual decision to refuse the licence or to grant a licence subject to conditions will be considered at a meeting on a later date.**
- 5.5 There is a right of appeal to the Magistrate's Court against any refusal on these grounds."**

The Head of Building Control reviewed the background to the application and it was reported that Messrs. R. Morelli, A. Morelli and R. Morelli Junior, together with W. O' Halloran, objectors to the application, were in attendance and they were admitted to the meeting and welcomed by the Chairman.

Mr. R. Morelli reiterated a number of the objections which had been outlined within the report. He indicated that, should the Committee accede to the request to vary the applicant's licence, it would impact on existing trade within the area. He pointed out that the number of vans which operated in the area was sufficient to meet current demand. In addition, he suggested that any variation to the applicant's licence would, given the loss of income which might be incurred, result in further applications being submitted by the objectors to vary their own particular mobile trading licences to enable them to operate in additional areas. Mr. Morelli responded to a number of Members' questions and the deputation retired from the meeting.

The Committee was informed that the applicant, Mr. K. McShane, was in attendance and he was admitted to the meeting where the Democratic Services Officer outlined the objections which had been raised. In response, Mr. McShane suggested that his request was reasonable given that the objectors had, he claimed, been operating outside the areas which had been specified within their licences. This, he pointed out, had impacted on his own trade and he explained that the variation to his licence would enable him to compete for business on an equitable basis. The Chairman thanked Mr. McShane for attending and he retired from the meeting.

Accordingly, it was

Moved by Councillor Lavery,
Seconded by Alderman Rodgers and

Resolved – That the Committee, in its capacity as Licensing Authority, is minded to refuse the application submitted by Mr. K. McShane for the variation to a Mobile Street Trading Licence to enable him to operate an ice-cream van within the Falls area on the grounds that there exists sufficient traders within that area for the goods which the applicant wishes to trade.

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Notary Public

207 Falls Road, Belfast BT12 6FB
 Tel: 028 9023 3309
 Fax: 028 9031 1393
 Email: info@michael-flanigan.com
 DX 4002 NR BELFAST 17

My Ref: MF/CG/

Your Ref: HD/MOH

Date: 23-10-13

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

Dear Sirs

RE: My Client: Kevin McShane
 Application to vary a Mobile Street Trading Licence to include Falls Area of the city.

I have been consulted by Mr McShane in relation to your department's letter of 8th October 2013.

I note that the committee has indicated its intention to refuse the application on one ground only that "there existed sufficient traders within that area for the goods which you wished to trade". My client would invite the committee to revisit their preliminary view and take the following submissions into consideration.

1. The Falls Road area is an area with a large population which is currently serviced by four licenced traders only, three of whom according to my instructions are members of the same family.
2. In addition to his licence for the Falls area Mr Morelli senior obtained in August 2013 the licence to trade in the public parks of West Belfast and it is submitted it would be difficult for him to provide an adequate service to the Falls Area together with these public parks.
3. Given the size of the area and the population covered there was no evidence upon which the committee could properly conclude that four traders was a sufficient number for the Falls Road.
4. The committee failed to have adequate regard for the prohibition under European Law of anti-competition regulations and the need to ensure that no one business obtains dominance in a given market.

Principal: Michael Flanigan LL.B. Notary Public. Consultant: Pauline O'Hare LL.B.

Michael Flanigan is a member of The Law Society of Ireland

www.michael-flanigan.com

5. According to my instructions the restricted number of licences that have been issued fails to meet the demand of the public for the goods and services and this could lead to the proliferation of illegal ice-cream vans.
6. Mr McShane has been a licenced trader for the past five years and his intention, if granted the variation on his licence, would be to employ more staff to cover the additional area. In the current economic climate the creation of any employment in an area of deprivation such as West Belfast should be encouraged by the council rather than discouraged.

Yours faithfully


Michael Flanagan

DEMOCRATIC SERVICES			
SP & R	P & L	HOUSING	AUDIT
H & ES	T P	G R	COUNCIL
29 OCT 2013			
LIC	DEVEL	TRAN	
REFERENCE 43895			
REFERRED TO			



Belfast City Council

Report to: Licensing Committee

Subject: **Application for the Grant of a Mobile Street Trading Licence**

Date: 11th December, 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	Mr Simon Allen has applied for a mobile street trading licence to trade in the areas of Sydenham, Belmont, Strandtown, Ballynafeigh, Ballymacarrett, Bloomfield, Ballyhackamore and Knocknagoney to sell ice cream, confectionery and non alcoholic beverages.
1.2	Mr Allen's proposed times of trade are Monday to Friday between the hours of 3.00 p m to 9.00 p m and Saturday and Sunday between the hours of 1.00 pm and 9.00 pm.
1.3	There is already one other Mobile Street Trading Licence for the sale of ice cream, confectionery and non alcoholic beverages operating in some of the areas applied for by Mr Allen, namely Belmont, Strandtown, Ballynafeigh, Ballymacarrett and Ballyhackamore.
	Statutory Consultees
1.4	The PSNI and the DRD Roads Service have no objections to the application.
	Objection
1.5	An objection has been received from the other Licensed Street Trader, Mr Neal Adair, on the grounds that two vans operating in his area would affect his business.
	Legal Opinion
1.6	Counsel's advice has now been received in respect of deciding on competing Street Trading Licence applications and whether the Council can restrict the number of street traders on the basis that it would be detrimental to existing street traders and/or fixed business premises.
1.7	In summary, he agrees that the Council can apply criteria over and above what the Street Trading Act states, provided it is in keeping with the intention of the legislation. However, the Council cannot restrict the number of traders on the basis that it would be detrimental to existing traders as it would be contrary to the European Services Directive and subsisting primary competition legislation, namely the Competition Act 1998.
1.8	Members will note that the objection received relates to the granting of a further licence having a detrimental effect financially on their businesses. In light of Counsel's opinion, that aspect of the objection cannot be taken into account.

1.9	In order to determine this application, the focus must be on whether the services already provided within the area are sufficient, not whether the granting of a further licence or licences would reduce the revenue stream of the existing licence holder or businesses within the area.
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2	Key Issues
2.1	The Street Trading Act (Northern Ireland) 2001 (the Act) places a statutory obligation on a district council to grant an application for a Street Trading Licence unless there are sufficient grounds to refuse it.
2.2	Section 8 of the Act sets out circumstances in which an application must be refused, however there are no such grounds of refusal applicable to this licence application.
2.3	Section 9 of the Act sets out discretionary grounds under which a district council may refuse to grant an application.
2.4	<p>9.(1) A council may refuse an application on any of the following grounds:-</p> <p>(a) that –</p> <ul style="list-style-type: none"> (i) the location at which the applicant wishes to trade as a stationary trader is unsuitable; (ii) the space in the designated street in which the applicant wishes to trade as a stationary trader is inadequate for the applicant to do so without causing undue interference or inconvenience to persons or vehicles using the street; (iii) the area or areas of the district in which the applicant wishes to trade as a mobile trader are unsuitable for the applicant to do so without causing undue interference or inconvenience to persons or vehicles in the area or areas; (iv) there are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade; (v) the nature of the articles, things or services in which the applicant wishes to trade is such that their sale or supply, or their preparation for sale or supply, would adversely affect the general amenity of the area in which the applicant wishes to trade; <p>(b) that the applicant has, in connection with the application, made a statement which he knows to be false in a material particular;</p> <p>(c) that the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence;</p> <p>(d) that the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;</p> <p>(e) that the applicant has at any time been granted a street trading licence by the council, which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to the council in respect of the licence;</p> <p>(f) that the applicant has failed to provide the particulars required by the council to deal with the application;</p> <p>(g) that the applicant has failed to provide or identify suitable or adequate arrangements for storing any articles, things or receptacles in or with which he proposes to trade.</p>

2.5	<p>Members are reminded that the Council, in March 2011, agreed an amended Street Trading Licensing Policy to allow for circumstances where there are multiple mobile licences in a similar geographical area within the City. Section 5 of the Policy provides guidance on how to deal with licence applications and states that without prejudice to the discretionary grounds for refusing an application the Council may also take the following into account:</p> <p>(a) The suitability of the application in the context of the area or street;</p> <p>(b) The suitability of allowing more than one application in the area or street;</p> <p>(c) The commodities or services which each applicant intends to sell or supply;</p> <p>(d) The merits of each application in the context of the character and appearance of the proposed area;</p> <p>(e) Whether a mobile trader/a number of mobile traders will affect the character and appearance of the proposed area;</p> <p>(f) Any potential adverse impact caused to the character and appearance of the proposed location by the application, by a mobile trader or by a number of mobile traders;</p> <p>(g) The extent to which the sale of the commodity will provide a useful service not otherwise provided in the area.</p>
2.6	There is a right of appeal to the Magistrate's Court against any refusal on these grounds.
2.7	The applicant has been invited to appear before Committee to make a brief presentation on how the business will be operated, how the commodities he proposes to sell will add to the area and address any concerns or objections to his proposal.
2.8	Mr Adair has also requested to address the Committee to discuss his objection.
2.9	After considering the representations you will then be required to either grant or refuse the application.

3	Resource Implications
3.1	<p><u>Financial</u></p> <p>If the Committee grants a licence, the Street Trading Licence fee is as follows:</p> <ul style="list-style-type: none"> • Application Fee of £120, and • A Licence fee, for Monday to Sunday, of £882 per annum.
3.2	<p><u>Human Resources</u></p> <p>None</p>
3.3	<p><u>Asset and Other Implications</u></p> <p>None</p>

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

5	Recommendations
5.1	Based on the submissions presented and considering any amendments to the application, the Committee is requested to consider the application, in accordance with the Council's Street Trading Policy, and decide whether it is minded to: <ol style="list-style-type: none"> 1. Grant and approve the licence; or 2. Grant and approve the licence with additional Conditions; 3. Refuse the application, under the discretionary grounds as outlined at paragraph 2.4 above.
5.2	Members may attach any reasonable conditions when granting a licence.
5.3	When minded to refuse a licence application, the applicant must be informed that they will be permitted to make representation regarding the refusal to the Council, with such representations to be made not less than twenty-one days from the date of notice.
5.4	As a consequence, the actual decision to refuse the licence will be considered at a meeting on a later date.
5.5	There is a right of appeal to the Magistrate's Court against any refusal on these grounds.

6	Decision Tracking
<p>If a licence is granted and 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.</p> <p>If you are minded to refuse the application, the applicant will be advised in writing within 7 days of their right to make written representation regarding this decision. The person responsible for this action is Henry Downey, Democratic Services Officer, Chief Executives Department.</p>	

7	Key to Abbreviations
Act - Street Trading Act (N.I.) 2001	

8	Document Attached
Email from objector	

By virtue of paragraph(s) 1 of the Council's Policy on the
Publication of Committee Reports on the Internet.

Document is Restricted

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Belfast City Council

Report to:	Licensing Committee
Subject:	Update on Outdoor Events Policy
Date:	11th December, 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 your meeting on 19 th June 2013, you considered a number of applications relating to Outdoor Entertainments Licences including Bruce Springsteen at the King's Hall, Tennents Vital at Boucher Road and Belsonic at Custom House Square.
1.2	Arising from discussion on those applications, the Committee agreed that an appropriate policy be formulated to deal with applications for Outdoor Entertainments Licences for venues within the City.
1.3	A key aim of the policy will be to help streamline the current process for dealing with outdoor events that must be considered by Committee to enable promoters and licensees to plan their events more effectively. The policy will also enable Members and Officers to make better informed decisions when dealing with these types of applications.
1.4	This report is presented to provide Members with an update on the progress with the development of the policy.

2	Key Issues
2.1	As Members are aware there are an increasing number of outdoor events that take place on an annual basis across Belfast ranging from large major concerts to local community led events.
2.2	In order to secure international acts promoters must book them well in advance of the event, sometimes even as early as a year before the event is due to take place.
2.3	Moreover, despite recent successes for events such as Tennents Vital, promoters find it difficult to attract major acts to Belfast, in comparison to cities such as Dublin and London. In addition to having a wider commercial appeal these cities also have superior infrastructure and transport facilities in place and a wider selection of public spaces and venues that are capable of holding large audiences.

2.4	The main intention of the policy will be to help provide greater certainty to prospective applicants and promoters about the availability of a variety of venues licensed for outdoor entertainment which can be secured in good time to facilitate their event. It is also expected that the policy will help reduce the workload for Members in considering the array of annual reports that Officers produce.
2.5	<p>Members are reminded that you currently consider the following types of Outdoor Licence applications:</p> <ul style="list-style-type: none"> • applications for the Grant of an Outdoor Entertainments Licence; • applications where objections have been received; • applications which relate to major events, where the impact and potential for disruption is deemed to be significant; • events where the applicant is proposing to provide entertainment later than the standard hour of 11.00pm; • applications which the Director of Health and Environmental Services deems appropriate for the Committee to consider; or • applications which the applicant or an Elected Member has requested to be considered.
2.6	As part of the research for the policy we have identified a range of venues and created an inventory of those locations that have the potential to be used for outdoor events.
2.7	In order to appropriately describe and present the information to you we have developed spreadsheets and designated the various venues into categories of Large/Major, Medium, Small or Community events. Each of these venues is then listed under their respective owners. We have also developed maps showing the location of the venues in relation to their proximity with other destinations, wards and electoral areas.
2.8	As part of our research we have identified a total of 50 potential sites across Belfast which may be suitable to host events. Some of these venues will be familiar to Members and regularly host annual events while others are fairly new and may be considered as options for concert venues.
2.9	Of the venues, 38 are owned by Belfast City Council, 10 are owned by private organisations and 2 are owned by the DSD.
2.10	For each venue we have developed an assessment sheet which provides a brief summary of key aspects of the site, such as the surrounding infrastructure, previous events held at the location, previous problems experienced including complaints and a brief comment from key stakeholders, such as the PSNI, DRD, etc.
2.11	A sample assessment sheet is appended to this report for your information along with a map of the venues and a spreadsheet listing the various sites/venues and their owners.
	Stakeholders
2.12	In order to develop the policy, Officers have been in liaison with various stakeholders, such as event promoters, licensees, the statutory authorities and service providers, e.g. PSNI, NIFRS and Translink to get their thoughts on the viable use of potential venues.
2.13	We will also liaise with other services and departments within the Council, such as Environmental Protection, Community Safety, Corporate H&S and Events Section of the Development Department.

2.14	The Service will also consult with Legal Services regarding how such a policy may be implemented in conjunction with standard Committee procedures.
2.15	Discussions with these groups and individuals have centred on the suitability of the venue in terms of access/egress; infrastructure problems/concerns; history of complaints (if any); previous events and lessons learnt from them; proximity of residential accommodation in relation to the venue and any noise concerns, etc.
2.16	Promoters have already provided some details about these venues and their thoughts as to what makes certain venues more suitable than others and what possible remedial works could be carried out in order to make them suitable.
2.17	We will continue to liaise with these groups and individuals until the policy is finalised and they agree with its content and format.
	Other Councils
2.18	<p>Early feedback from research to date has shown that the following matters are commonly considered by councils when deciding whether to grant permission for an Entertainments Licence for an event:</p> <ul style="list-style-type: none"> • Noise – balance between enjoyment of music and disturbance of neighbours. • Topography – what effect will the surrounding topography have on noise? • Promotion of cultural events – balance between promoting events and the disruption caused. • Financial interests – will it help generate income or affect existing trade in the surrounding area. • Ecological concerns – protection of the environment; trees, wildlife, etc. • Transport links – will it be easily accessed or will people/vehicles have to cross sensitive/restrictive areas causing possible environmental damage, disturbing residents, etc.? • Parking provision and public transport – will the event impinge on existing traffic on public highways? • Sanitary provisions – can toilets, fresh water, etc. be easily accessed/installed? • Prevention of crime – could the event possibly attract criminal activity, drugs, violence, etc. • Health and Safety – is it fire safe; is there sufficient medical/first aid provision? • Protection/promotion of children and vulnerable people – could it be disruptive to, or a negative impact on, children or vulnerable people or will it be beneficial or educational, etc.? • Disruption to other users of outdoor spaces – such as public parks, etc. • Timing of event/s – too many clustered around the same time of year. • Disabled access and provisions.

3	Resource Implications
3.1	<p><u>Financial</u></p> <p>None.</p>
3.2	<p><u>Human Resources</u></p> <p>None</p>
3.3	<p><u>Assets and other Implications</u></p> <p>None</p>

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

5	Recommendation
5.1	The Committee is requested to note the information contained within this report and provide any feedback or further guidance to assist with the formulation of the policy.

6	Documents attached
<ul style="list-style-type: none">• Map of the venues• Spreadsheet listing the various sites/venues• Sample assessment sheet	