

Licensing Committee

Wednesday, 14th February, 2018

MEETING OF LICENSING COMMITTEE

Members present: Councillor O'Hara (Deputy Chairperson) (in the Chair);
the Deputy Lord Mayor (Councillor Copeland);
the High Sheriff (Councillor Howard);
Alderman L. Patterson; and
Councillors Baker, Boyle, Clarke, Craig, Dudgeon,
Groves, Hussey, McConville and McReynolds.

In attendance: Mr. P. Cunningham, Assistant Building Control Manager;
Mrs. L. McGovern; Solicitor; and
Mr. H. Downey, Democratic Services Officer.

Apologies

Apologies for inability to attend were reported on behalf of the Chairperson (Alderman Spence) and Councillors Campbell, Collins, Heading and Hutchinson.

Minutes

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

Declarations of Interest

No declarations of interest were reported.

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

Licences issued under Delegated Authority

The Committee noted a list of licences which had been issued under the Council's Scheme of Delegation.

Applications for the Renewal of Annual Indoor Entertainments Licences with Previous Convictions – Dundela Football Athletic and Social Club/The Spaniard

The Committee was reminded that, under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, it had a duty, when considering any application for the grant, renewal or transfer of an Entertainments Licence, to take into account any convictions of the applicant relating to an offence

under the Order which had occurred within a five-year period immediately preceding the date on which the application had been made.

Accordingly, the Assistant Building Control Manager drew its attention to applications which had been received for the renewal of Seven-Day Annual Indoor Entertainments Licences in respect of Dundela Football Athletic and Social Club, Wilgar Street and The Spaniard, 3 Skipper Street.

He reported that a representative of Dundela Football Athletic and Social Club had, on 23rd July, 2013, been fined £400 and ordered to pay £69 in costs, following an inspection in November, 2012 whilst entertainment had been taking place, which had found that the premises had been overcrowded and that an emergency exit had been obstructed.

In terms of The Spaniard, the licensee had, on 11th August, 2015, been fined £150 and instructed to pay costs of £69, as a result of an inspection in December, 2014, which had revealed that entertainment had been taking place within an area which was not covered by the Entertainments Licence.

He pointed out that the Committee had, in subsequent years, agreed to renew the Entertainments Licence for each venue and that inspections which had been undertaken over the past year, either whilst entertainment had been taking place or as part of the current application process, had indicated that all management procedures were being implemented effectively. Finally, no written representations had been received in relation to the applications and the Northern Ireland Fire and Rescue Service and the Police Service of Northern Ireland had offered no objections.

The Committee agreed to renew the Seven-Day Annual Indoor Entertainments Licences in respect of Dundela Football Athletic and Social Club, Wilgar Street and The Spaniard, 3 Skipper Street.

Application for the Grant of an Annual Indoor Entertainments Licence with Previous Convictions – Nu Delhi Lounge

The Committee was informed that an application had been received for the grant of a Seven-Day Annual Indoor Entertainments Licence in respect of Nu Delhi Lounge, 25-27 Bruce Street.

The Assistant Building Control Manager reported that an Entertainments Licence had been held by the previous licensee, however, it had expired in February, 2011. The current licensee was now seeking to provide entertainment from Monday to Saturday till 1.00 a.m. and on a Sunday till midnight on the first floor of the premises and an occupancy figure of 150 for that area had been approved by Council officers.

He drew the Members' attention to the fact that the applicant had on 15th August, 2017, been fined a total of £400 and instructed to pay costs of £73 for providing entertainment on two occasions without an Entertainments Licence. He reminded the Committee that it had, on 18th January, 2017, agreed that, in future, any person applying for the grant, renewal or variation of an Entertainments Licence, who had been

convicted of an offence under the Entertainments Licensing legislation, would be invited to appear before the Committee to outline the reasons why their application should be approved.

The Assistant Building Control Manager pointed out that, following the aforementioned breaches, the licensee had been advised of the licensing process and of the fire safety procedures and measures to be put in place in the event of an emergency. He confirmed that no written representations had been received in relation to the application and that neither the Northern Ireland Fire and Rescue Service nor the Police Service of Northern Ireland had offered objections. In addition, the Council's Environmental Protection Unit had indicated that it had received no complaints of noise breakout or patron dispersal associated with the premises and that it had no concerns regarding noise nuisance generally.

The Committee agreed, on this occasion, not to hear from the applicant and, accordingly, agreed to grant a Seven-Day Annual Indoor Entertainments Licence for Nu Delhi Lounge, 25-27 Bruce Street.

Application for the Transfer and Renewal of an Annual Indoor Entertainments Licences – The Great Eastern Bar

The Assistant Building Control Manager informed the Committee that an application had been received for the transfer and renewal of a Seven-Day Annual Indoor Entertainments Licence in respect of The Great Eastern Bar, 273 Newtownards Road.

He reported that the Police Service of Northern Ireland had submitted an objection to the application and pointed out that, under the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, the Committee must have regard to it.

Accordingly, the Committee agreed to consider the application at a future meeting, to which the applicant and a representative of the Police Service of Northern Ireland would be invited.

Consideration of a Designating Resolution for a Street Trading Site – Cupar Way

The Committee considered the following report:

“1.0 Purpose of Report/Summary of Main Issues

- 1.1 The Committee will recall that, at its meeting on 13th December 2017, it considered proposals for Designating Resolutions for a number of Street Trading sites across the City.**
- 1.2 The Committee deferred some of these proposals to allow for additional information to be obtained. One of those proposals related to Cupar Way and further information has now been received for consideration.**

2.0 Recommendations

2.1 Based on the information presented, the Committee is requested to consider the proposal and to decide whether to:

1. approve a Designating Resolution to designate the site, where it may allocate a street trading pitch. The Designating Resolution will include the operational date and may stipulate either:

- only specified articles, things or services or classes of specified articles, things or services that may be sold or supplied; or**
- specified articles, things or services or classes of specified articles, things or services that are prohibited.**

2. Decide not to proceed with the proposal.

2.2 In addition to making any Designating Resolution, the Committee may, having considered all of the comments, record any reasonable conditions that should be applied to a subsequent licence. For example, hours of trade, days of trade, duration of licence, etc.

2.3 The Committee is reminded that, once a site becomes designated, it will have to consider any applications which may be received for a Street Trading Licence on that site.

2.4 At that time, you will assess the suitability and quality of the proposals and may decide to grant or refuse a licence within the requirements of the Act. Any Street Trading Licence granted may also be subject to reasonable conditions which can be used to control the commodities being sold, and potential nuisance, etc.

3.0 Main Report

Key Issues

3.1 The designation process involved seeking comments from interested parties, including relevant statutory bodies, through public advertisement and consultation.

3.2 The Street Trading Act (Northern Ireland) 2001 requires the Council to ensure that each application is fairly and objectively assessed, that all relevant factors are considered and, in doing so, the Council must consult with the:

- a) PSNI, and
- b) Department for Infrastructure - Roads.

3.3 The Council may also consult other persons as it considers appropriate. Such consultees may include:

- a) relevant Belfast City Council Departments;
- b) Belfast City Centre Management Company (BCCM);
- c) nearby Street Trading Licence holders who may be affected; and
- d) local residents, business and commercial premises in the vicinity of the site in respect of which the application has been received.

3.4 The Service has received responses to the application from a variety of interested parties and individuals.

3.5 Members are advised that BCCM conducts its business within a determined geographical area of Belfast City Centre and has, therefore, not responded to this proposal.

3.6 Copies of the responses received have been circulated to the Committee.

3.7 A map and photographs of the proposed site along Cupar Way will be presented at your meeting.

Cupar Way

3.8 The proposal is for tourist souvenirs or similar commodities on a site which will operate during the day. No details have been provided regarding how the commodities will be sold, such as a stall, etc.

3.9 The proposed site is opposite the Peace Wall, operating in front of the perimeter fence bounding Cranmore Court and Cranmore Street.

PSNI

3.10 No objection.

DFI Roads

3.11 The Department has advised that this part of the footway is quite narrow because of the placement of street trees. It recommends that the street trading pitch would need to be away from these trees to provide a minimum 1.8m passing room for pedestrians.

Visit Belfast

- 3.12 Visit Belfast has stated that it believes that the application needs further discussion with the communities. It also recommends that feedback would be required from Fáilte Feirste Thiar and the Greater Shankill Partnership.
- 3.13 Following Visit Belfast's recommendation, we contacted both Fáilte Feirste Thiar and Greater Shankill Partnership for their views.

Published 28-day Notice

- 3.14 No responses were received to the notice.

Deferred Actions

- 3.15 The Committee deferred consideration to allow for responses to be sought from Fáilte Feirste and the Greater Shankill Partnership and to seek the views of Coiste and the Ex-Prisoners Interpretative Centre (EPIC), both of which provide cultural tours in that area.
- 3.16 Despite further efforts to obtain feedback at the time of writing this report, only one response has been received from these organisations.

EPIC

- 3.17 EPIC has stated that it agrees with the proposal to have a designated pitch for trading located on Cupar Way. EPIC has conducted tours for many years that include this area and it would be beneficial to have some further tourist revenue invested for the benefit of the local area.
- 3.18 EPIC has recently formed a partnership with Twaddell and Woodvale Residents Association (TWRA) and established a Community Interest Company (CIC), 'The Belfast Experience'; the objective being to further the range of services provided in community tourism and encourage wider community involvement.

Financial and Resource Implications

- 3.19 The cost of all notices is included in current revenue budgets. The required notice to confirm the designation will cost approximately £5,000 as our policy states that it must be placed in three newspapers for two consecutive weeks.

Equality or Good Relations Implications

3.20 There are no equality or good relations issues.”

The Committee agreed to designate the site in Cupar Way as a place in respect of which it might grant a stationary Street Trading Licence and noted that, should it decide at some point to do so, it would have an opportunity to impose certain conditions, as alluded to within paragraphs 2.2 to 2.4 of the report.

Non Delegated Matters

**Road Closure – Categorisation of Events,
Fees and Advertising of Notices**

The Committee agreed to defer consideration of the above-mentioned report to enable officers to discuss with Athletics NI and other relevant parties the fees which they could potentially be required to pay to allow for road closures for 10k and other sporting events.

The Committee agreed also that, until such time as it had approved a fee structure, those applications which had been submitted by film companies requiring road closures should be progressed, on the basis that advertising costs would be met by the film company and that officer costs would be absorbed by the Council.

Chairperson