

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



**Belfast
City Council**

9th August, 2018

MEETING OF LICENSING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room - City Hall on Wednesday, 15th August, 2018 at 5.00 pm., for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

AGENDA:

1. Routine Matters
 - (a) Apologies
 - (b) Minutes
 - (c) Declarations of Interest
2. Delegated Matters
 - (a) Applications Approved under Delegated Authority (Pages 1 - 8)
 - (b) Applications for the Renewal of Entertainments Licences with Previous Convictions – Belfast Barge/Glenowen Inn (Pages 9 - 22)
 - (c) Consideration of the Variation of Designated Commodities for Street Trading Sites – Sale of Bus Tour Tickets (Pages 23 - 62)
 - (d) Review of Stationary Street Trading Licences - Fountain Lane and Fountain Street (Pages 63 - 68)
3. Non-Delegated Matters
 - (a) Institute of Licensing National Training Event (Pages 69 - 76)



Subject:	Applications Approved under Delegated Authority
Date:	15th August, 2018
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	James Cunningham, Regulatory Services Manager, ext 3375

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

1.0	Purpose of Report/Summary of Main Issues
1.1	Under the Scheme of Delegation, the Director of Planning and Building Control 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. Those applications which were dealt with under the Scheme are listed below.
2.0	Recommendation
2.1	The Committee is requested to note the applications which have been issued under the Scheme of Delegation.

3.0	Main Report																																																												
	<u>Key Issues</u>																																																												
3.1	Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, the following Entertainments Licences were issued since your last meeting:																																																												
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Lyric Theatre NI, 55 Ridgeway Street, BT9 5FB	Renewal	Sun - Sat: 08.00 - 01.00	Mr. Ciaran McAuley
Shawsbridge Sports Association, 123 Milltown Road, BT8 4XP	Renewal	Mon - Sat: 11.30 - 23.00	Mr. Sean Campbell
St Georges Market, 12-20 East Bridge Street, BT1 3NQ	Renewal	Sun - Sat: 08.00 - 23.00	Belfast City Council
The Farmer's Inn, 91 Colinglen Road, BT17 0LW	Renewal and Transfer	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Murray Hospitality Ltd
The Jeggy Nettle, 12 Stranmillis Road, BT9 5AA	Renewal and Transfer	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	JK Pubs Limited

3.2 Under the terms of the Street Trading Act (Northern Ireland) 2001, the following Street Trading Licences were issued since your last meeting:

Premises and Location	Type of Application	Commodity	Hours Licensed	Applicant
Ligoniel, Glencairn, Ardoyne, Oldpark, Ormeau, Cliftonville, Duncairn, Ballymacarrett, Skegoneill and Falls	Mobile	Ice-cream confectionery, non-alcoholic beverages	Mon – Sat: 12.00 – 21.30	Mr. Robert Morelli
Falls, Ballymurphy, Turf Lodge, Ladybrook and Andersonstown	Mobile	Ice-cream confectionery, non-alcoholic beverages	Mon – Sat: 12.00 – 21.30	Mr. Robert Morelli Jnr
Donegall Quay	Stationary	hot and cold food, non-alcoholic beverages	Mon – Sat: 10.00 – 21.00	Mrs. Kylah Dittmar

The following temporary Street Trading Licences were issued for 12th July 2018:

Royal Avenue Area-

Location	Commodity	Hours Licensed	Applicant
Royal Avenue at junction with North Street	Ice cream, confectionery and non-alcoholic beverages	08.00 to 19.00	Mr. Stephen Baxter
Royal Avenue at junction with North Street	Hot food and non-alcoholic beverages	08.00 to 19.00	Mr. Stephen Baxter

Dublin Road/ Shaftsbury Square Area

Location	Commodity	Trading times	Trader
Dublin Road opposite public toilets near Movie House	Ice cream, confectionery and non-alcoholic beverages	08.00 to 19.00	Mr Stephen Baxter
Dublin Road opposite public toilets near Movie House	Donuts, candyfloss and non-alcoholic beverages	08.00 to 19.00	Mr Stephen Baxter
Dublin Road outside Movie House	Flags, hats, toys, band poles, novelties	08.00 to 21.00	Miss Muriel Gilliland
Dublin Road at junction with Marcus Ward Street	Hot food and non-alcoholic beverages	07.00 to 19.00	Miss Kathy Finn
Dublin Road at junction with Salisbury Street near Oxfam shop	Hot food and non-alcoholic beverages	07.00 to 19.00	Mr Hakan Sen
Dublin Road at junction with Pakenham Street	Hot food and non-alcoholic beverages	07.00 to 19.00	Miss Kathy Finn
Dublin Road at junction with Fulton Street	Hot food and non-alcoholic beverages	07.00 to 19.00	Miss Kathy Finn
Shaftsbury Square at Equality House	Flags, scarves, hats, badges and cd's	07.00 to 19.00	Mr. James Dunseath
Dublin Road at junction with Fulton Street	Ice cream, confectionery and non-alcoholic beverages	08.00 to 18.0	Mr. George Pirie
Shaftsbury Square beside Halifax building	Hot food and non-alcoholic beverages	08.00 to 18.00	Mr. George Pirie

Lisburn Road/ Balmoral Avenue Area

Location	Commodity	Hours Licensed	Applicant
Lisburn Road at junction with Bradbury Place / Sandy Row outside Spar shop	Hot food and non-alcoholic beverages	08.00 to 20.00	Miss Marion Dougan
Donegall Road near junction with Sandy Row	Hot food and non-alcoholic beverages	08.00 to 20.00	Miss Marion Dougan
Lisburn Road beside Bradbury Clinic opp. Fountainville Ave	Flags, hats, toys, band poles, novelties.	07.00 to 2100	Miss Muriel Gilliland
Lisburn Road outside 98-102 Lisburn Road	Flags, drums, band poles, toys hats and novelties.	07.00 to 19.00	Mr. John McLoughlin

Lisburn Road at junction with Jubilee Road	Ice cream, confectionery and non-alcoholic beverages	09.00 to 21.00	Mr. John Gibson
Lisburn Road outside 133 Lisburn Road	Ice cream, confectionery and non-alcoholic beverages.	07.00 to 20.00	Mr. Stuart Fetherston
Lisburn Road in lay-by near junction with Tate's avenue	Ice cream, confectionery and non-alcoholic beverages	08.00 to 18.00	Mr. George Pirie
Lisburn Road near junction with Edinburgh Street outside Windsor Social Club	Hats, flags, toys, band poles and novelties.	08.00 to 18.00	Mr. Raymond Coulter
Lisburn Road outside 237 Lisburn Road	Donuts and non-alcoholic beverages	08.00 to 20.00	Miss Janine Sharpe
Lisburn Road at junction with Lower Windsor Ave	Hot food and non-alcoholic beverages	08.00 to 20.00	Mrs. Lorene Johnston
Lisburn Road at junction with Derryvolgie Avenue	Toys, drums, flags, hats and novelties.	08.00 to 20.00	Mr. Nathan Johnston
Lisburn Road outside Doorsteps, 455 Lisburn Road	Hot food and non-alcoholic beverages	07.30 to 19.30	Mr. Conor Hughes
Lisburn Road outside 322 Lisburn Road	Toys, gifts and non-alcoholic beverages.	11.00 to 18.00	Mr. Andrew Davis
Lisburn Road outside Warnocks, 793 Lisburn Road	Hot food and non-alcoholic beverages	08.00 to 20.00	Mr. Robert Crooks
Lisburn Road near bridge over Stockman's Lane	Ice cream, confectionery and non-alcoholic beverages	09.00 to 21.00	Mr. John Gibson
Balmoral Avenue near junction with Lisburn Road	Toys, drums, flags, hats and novelties.	08.00 to 20.00	Mr. Robert Crooks
Balmoral Avenue near junction with Malone Park Lane	Ice cream, confectionery and non-alcoholic beverages	08.30 to 18.30	Mr. Wayne Adair

Balmoral Avenue near junction with Malone Road	Ice cream, confectionery and non-alcoholic beverages	09.00 to 21.00	Mr. John Gibson
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Shaw's Bridge Roundabout Area

Location	Commodity	Hours Licensed	Applicant
Shaw's Bridge roundabout on grass verge in front of House of Sport	Cold food and non-alcoholic beverages	08.00 to 19.00	Mr. Stephen Baxter
Shaw's Bridge roundabout on grass verge in front of House of Sport	Donuts and non-alcoholic beverages	08.00 to 18.00	Mr. Desmond Hill
Shaw's Bridge roundabout on grass verge in front of House of Sport	Toys, flags, drums, drumsticks, hats and band poles.	07.00 to 19.00	Mr. James Bell
Shaw's Bridge roundabout on grass verge in front of House of Sport	Hot food and non-alcoholic beverages	07.00 to 19.00	Mr. David Deacon
Shaw's Bridge roundabout on grass verge in front of House of Sport	Hot food and non-alcoholic beverages	07.00 to 19.00	Mr. David Deacon

Temporary Mobile Traders on Main Parade Route

Locations	Commodity	Hours Licensed	Applicant
Dublin Road, Shaftsbury Square, Bradbury Place, Lisburn Road, Balmoral Avenue and Malone Road	Flags, hats, scarves, toys and poles	08.00 to 18.00	Mr. Marc Thompson
Dublin Road, Shaftsbury Square, Bradbury Place, Lisburn Road, Balmoral Avenue and Malone Road	Flags, hats, scarves, toys and poles	08.00 to 20.00	Mr. Robert Crooks
Dublin Road, Shaftsbury Square, Bradbury Place, Lisburn Road, Balmoral Avenue and Malone Road	Flags, hats, scarves, toys and poles	08.00 to 20.00	Mr. Nathan Johnston

3.3 Under the terms of the Road Traffic Regulation (Northern Ireland) Order 1997, the following Road Closure Orders were made since your last meeting:

Location	Type of Activity	Date and Hours permitted	Applicant
Pacific Avenue	Filming	10th July 09.00 to 13.00	Richard Glenholmes
Twaddell Avenue	Street Party	11th July 11.30 to 14.00	Alfie McCrory
The Mount	Filming	16th July 09.00 to 15.00	Richard Glenholmes
Belfast City Centre	Triathlon	22nd July 06.00 to 12.30	Conal Heatley
Union Street	Concert	4th August 08.00 to 22.00	Anthea Wilson
Regent Street	Social Event	30th August 06.00 to 3rd September 18.00	Darren Nugent

Financial & Resource Implications

3.4 None

Equality or Good Relations Implications/Rural Needs Assessment

3.5 There are no issues associated with this report.

4.0 Documents Attached

None

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Subject:	Applications for the Renewal of Entertainments Licences with Previous Convictions – Belfast Barge/Glenowen Inn
Date:	15th August, 2018
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	James Cunningham, Regulatory Services Manager, ext 3375

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

1.0	Purpose of Report/Summary of Main Issues
1.1	To consider applications for the renewal of Entertainments Licences where the applicant has been convicted of an offence under the Local Government (Miscellaneous Provisions) (NI) Order 1985 (the Order) within the previous five years.
2.0	Recommendations
2.1	<p>Taking into account the information presented, you are required to consider the application and to:</p> <ol style="list-style-type: none"> 1. approve the application, or 2. should you be of a mind to refuse the application, or approve the application with additional special conditions, an opportunity of appearing before and of being heard by the Committee must be given to the applicant.

3.0	Main Report																		
3.1	<u>Key Issues</u>																		
	Members are reminded that the normal process for dealing with Entertainments Licence application which are not the subject of objections is that the Licence will be granted, as provided for in the Council's Scheme of Delegation.																		
3.2	However, as each applicant or their company has been found guilty of committing an offence within five years of the application for a licence being submitted to the Council, you are required to consider the following applications.																		
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3.3	Notwithstanding the possibility of refusing an Entertainments Licence on any other grounds, the Council may refuse an application on the grounds that the applicant has been convicted of an offence under the Order.
	<u>Application History</u>
	The Belfast Barge
3.4	This application is being placed before Committee because the applicant Company, Lagan Legacy Ltd., was convicted of offences under the Order at Belfast Magistrates' Court on 23rd May 2017.
3.5	The Council had carried out a During Performance Inspection in July 2016. The inspection found that the rear exit door from the multi-function space was obstructed with band equipment, the external gate on the rear escape walkway was padlocked closed, and one leaf of the main entrance/exit door was locked closed with a barrel bolt. The above problems would have prevented the effective means of escape from the premises. Additionally, the pre-entertainment logbook was not completed for the evening and an emergency exit light was not illuminated.
3.6	This is the second time an application for this premises have been brought before Committee as you previously considered the application at your meeting on 21st June 2017 and, after consideration, you agreed to renew the licence.
3.7	Since the previous renewal the premises has been subject to four further during performance inspections as well as the recent renewal inspection to ensure that there has been no recurrence of the breach or any other safety issues. We have found that management procedures are being implemented effectively.
	The Glenowen Inn
3.8	This application is being placed before Committee because the applicant was convicted of offences under the Order at Belfast Magistrates' Court on 24th May 2016.
3.9	The Council had carried out a During Performance Inspection in October 2015. The inspection found that that the rear exit door from the premises was blocked by a folded table, music equipment and associated speakers. The rear exit alleyway was also partially obstructed by a parked vehicle. The above problems would have prevented the effective means of escape from the premises. Additionally, the pre-entertainment logbook was not completed for the evening and an emergency exit light was not illuminated.
3.10	This is the third time an application for this premises have been brought before the Committee as you previously considered the application at your meetings on 10th November 2016 and 9th November 2017 and, after consideration, you agreed to renew the licence.
3.11	Since the previous renewal, the premises has been subject to four further during performance inspections as well as the recent renewal inspection to ensure that there has been no recurrence of the breach or any other safety issues. We have found that management procedures are being implemented effectively.
	<u>Representations</u>
3.12	Public notice of the application has been placed and no written representations have been lodged as a result of the advertisement.

<p>3.13</p> <p>3.14</p> <p>3.15</p> <p>3.16</p> <p>3.17</p>	<p><u>PSNI</u></p> <p>The PSNI has been consulted and has confirmed that it has no objection to the applications. A copy of its correspondence is attached at Appendix 1.</p> <p><u>NIFRS</u></p> <p>The Northern Ireland Fire Rescue Service has been consulted in relation to the application and confirmed that they have no objections.</p> <p><u>Applicants</u></p> <p>The respective applicants and/or their representatives will be available at your meeting to answer any queries you may have in relation to their applications. Copies of the application forms for the premises are attached at Appendix 2.</p> <p><u>Financial and Resource Implications</u></p> <p>Officers carry out during performance inspections on premises providing entertainment which is catered for within existing budgets.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>There are no issues associated with this report.</p>
<p>4.0</p>	<p>Documents Attached</p>
	<p>Appendix 1 – PSNI Comments</p> <p>Appendix 2 – Application Forms</p>

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

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of the Local Government Act (Northern Ireland) 2014.

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LICENSING COMMITTEE



Belfast
City Council

Subject:	Consideration of the Variation of Designated Commodities for Street Trading Sites – Sale of Bus Tour tickets
Date:	15th August, 2018
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext 2435
Contact Officer:	James Cunningham, Regulatory Services Manager, ext 3375

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

1.0	Purpose of Report or Summary of Main Issues
1.1	Members will recall that, at your meetings on 13th December, 2017 and 18th April, 2018 the Committee considered proposals for the variation of designated commodities to allow the sale of bus tour tickets from two street trading sites.
1.2	The Committee deferred consideration to allow for further information to be provided, which has now been obtained.
2.0	Recommendations
2.1	Based on the information presented the Committee is requested to consider each proposal in turn and to decide whether to:

	<p>1. approve the variation of the Designating Resolution for either or both sites A and B. The Designating Resolution will include the operational date and may stipulate either:</p> <ul style="list-style-type: none"> • 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. <p>2. decide not to proceed with any or all of the proposals.</p> <p>2.2 In addition to making any Designating Resolution, Members may, having considered all comments, record any reasonable conditions that should be applied to a subsequent licence. For example, these may include hours of trade, days of trade, duration of licence, etc.</p> <p>2.3 Members are reminded that once the sites become designated you will subsequently have to consider any applications that may be received for a Street Trading Licence on any of the sites.</p> <p>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.</p>
3.0	Main Report
	<p><u>Key Issues</u></p> <p>3.1 The Designation process involved seeking comments from interested parties, including relevant statutory bodies, through public advertisement and consultation.</p> <p>3.2 The Street Trading Act (NI) 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:</p> <ul style="list-style-type: none"> • PSNI, and • Department for Infrastructure - Roads. <p>3.3 The Council may also consult other persons as it considers appropriate. Such consultees may include:</p> <ul style="list-style-type: none"> • Relevant Belfast City Council Departments. • Belfast City Centre Management Company (BCCM) <p>3.4 Subsequently, the Service has received responses to the applications from a variety of interested parties and individuals.</p> <p>3.5 Members are advised that BCCM conducts its business within a determined geographical area of Belfast City Centre and is therefore responding to the proposals at locations within this boundary only.</p>

Recently Deferred Applications

- 3.6 At the meeting on 18th April, the Committee deferred consideration of the variation of the designated commodities at the street trading sites at Castle Junction and Castle Place to enable clarification to be obtained from both the Department for Communities and Visit Belfast on the sale of bus tickets at the two sites and for a written legal opinion to be provided on the specified articles, things or services or classes of specified articles, things or services that may be sold.
- 3.7 Members are reminded that neither the Council nor the Licensing Committee has any legislative authority or responsibility for the licensing of the Bus Tours.
- 3.8 A copy of the Committee report and appendices of 18th April 2018 is attached at Appendix 1.

Department for Communities Belfast Regeneration Directorate

- 3.9 The DfC has stated that its position remains that it would have no objection to the sale of tour bus tickets, as long as there was no limitation to a single operator. Its email is attached at Appendix 2.
- 3.10 DfC own the Castle Junction Kiosk which is run under licence by a private operator.

Visit Belfast

- 3.11 Visit Belfast has stated that they had suggested a six month trial, that decision was deferred by the Committee.
- 3.12 Since that deferral, there has been a recent escalation of visitor complaints regarding the visitor experience around City Tours. Visit Belfast states that they now feel that before any decision is taken by the Committee there needs to be a wider discussion/ review across the key agencies who have an involvement with Transport, Tourism and the licensing/ enforcement of Bus Tours within the City. The aim would be to address the current issues and develop an agreed action plan to improve the overall visitor experience.
- 3.13 Its email is attached at Appendix 3.

Legal Opinion

- 3.14 The Committee had previously sought advice in relation to the stipulations that can be imposed on traders who wish to sell bus tour tickets and in particular whether a trader could be required to sell tickets for all bus tour operators.
- 3.15 The Street Trading Act (NI) 2001 permits the Council to designate the type or class of articles, things or services that may be provided by a street trader. This is expressed permissively, reflecting the fact that it is for the trader to determine which articles within that type or class they wish to sell.
- 3.16 There are already traders at these locations and who possess a licence. Article 1 of Protocol 1 of the European Convention of Human Rights confers on individuals the right to peaceful enjoyment of their possessions, this would arguably include a street trading licence. The Council can therefore only impose conditions which are considered necessary, reasonable and proportionate. Legal Services has advised that such a condition may be susceptible to challenge as an unreasonable interference with a street trader's rights.

3.17	Whilst the legislation permits the Council to designate the type or class of articles which may be sold, this does not equate to the power to determine which suppliers a trader must use in the course of their business. That is a commercial decision for individual traders.
3.18	As previously advised to Committee, DfC in its capacity as a private landlord for the Castle Junction Kiosk, may be able to impose more onerous conditions in terms of how it is operated.
<u>Financial and Resource Implications</u>	
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.
<u>Equality or Good Relations Implications/Rural Needs Assessment</u>	
3.20	There are no issues associated with this report.
4.0	Documents Attached
	<p style="text-align: center;">Appendix 1 – Committee report of 18th April and appendices</p> <p style="text-align: center;">Appendix 2 – DfC Comments</p> <p style="text-align: center;">Appendix 3 – Visit Belfast Comments</p>

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

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Subject:	Review of Stationary Street Trading Licences – Fountain Lane and Fountain Street
Date:	15th August 2018
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	James Cunningham, Regulatory Services Manager, ext 3375

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

1.0	Purpose of Report/Summary of Main Issues
1.1	Members are reminded that, at your meeting on 16th May, you considered the revocation of two Stationary Street Trading Licences granted previously to Mr. Joseph Kerr, which allows him to trade from Monday to Sunday. The Licences are for: 1. Fountain Lane (45ft from its junction with Donegall Place)
1.2	For the sale of confectionery, toys, clothing accessories, Halloween accessories, gift wrap, souvenirs and tour tickets including bus tours. The licence permits trading from Monday to Sunday from 08.00 hrs to 22.00 hrs.

<p>1.3</p> <p>1.4</p> <p>1.5</p> <p>1.6</p>	<p>2. Fountain Street (20ft from its junction with Wellington Place)</p> <p>For the sale confectionery, jewellery, bus tour tickets, Halloween costumes and accessories, toys, socks, non-alcoholic beverages, wrapping paper, cards, souvenirs, t-shirts, magnets, tea towels, key rings, mugs, lighters and clothing accessories. The licence permits trading from Monday to Saturday from 08.30hrs to 21.30hrs and on Sunday from 08.30 hrs to 18.30 hrs</p> <p>The Committee, after considering the matter, agreed that it was minded to revoke the Licences held by Mr. Kerr in respect of both designated sites and agreed that he be invited to make representation to the Committee regarding that decision.</p> <p>Mr. Kerr was notified of the Committee decision but to date, no representation has been received and no payments have been made.</p> <p>The outstanding debt is currently £2202.50</p>
<p>2.0</p>	<p>Recommendations</p>
<p>2.1</p> <p>2.2</p> <p>2.3</p>	<p>Taking into account the information presented and after considering Mr. Kerr's representation, you are required to make a decision to either:</p> <ol style="list-style-type: none"> 1. affirm your decision of 16th May and revoke either or both the Street Trading Licences, or 2. reverse your decision of 16th May 2018 and decide not to revoke the Street Trading Licences. <p>If the Committee decides not to revoke the Licence, it is asked to consider making it a requirement upon renewal that Mr. Kerr must pay his Licence fee in full, instead of the current Council policy of offering any applicant the opportunity to pay their fee over the term of the licence, and that any subsequent licence must be renewed annually.</p> <p>If the licence is revoked, the licensee may appeal the Council's decision within 21 days of notification of that decision to the Magistrates' Court. If an appeal is lodged, the licensee may continue to operate under the terms of the existing licence until such times as the Court make a determination in relation to the appeal. The Council will recover the outstanding debt.</p>
<p>3.0</p>	<p>Main Report</p>
<p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p>	<p><u>Key Issues</u></p> <p>The Street Trading Act (N.I.) 2001 provides that, at any time after a Street Trading Licence has been granted, the Council may, in certain circumstances, revoke a Licence.</p> <p>The Act permits that a Council may revoke a Licence if it is satisfied that the licence holder has, without reasonable explanation, failed to pay any fees or charges due to the Council and if the licence holder has, without reasonable excuse, failed to avail himself to a reasonable extent of his licence.</p> <p>The minute from the Committee meeting on 16th May is attached.</p> <p>At that meeting, the Committee asked for a report providing information on those street traders who had failed to pay their licence fees and on those who were not utilising their licences on a regular basis.</p>

3.5 Below is an overview of the number of City centre pitches and how often they are traded on. The table below shows the level of usage for each pitch between March 2015 and May 2018, including Mr. Kerr's pitches which are highlighted in bold.

Licensee	Pitch	Trading during inspection
Joseph Kerr	Fountain Street	32%
Joseph Kerr	Fountain Lane	55%
Joseph Rea	Castle Lane (1)	7%
Joseph Rea	Castle Lane (2)	7%
Joseph Rea	Castle Place opp Donegall Arcade	0%
Bronagh Stitt	Donegall SqN front of City Hall	15%
Francis Brown	Lombard Street	100%
Victor Wilkinson	Cornmarket	86%
Russell Bailie	Castle Place kiosk	100%

* The Committee should note that inspections are not carried out on daily basis.

3.6 Only two street traders from the above list have licence fee debts – Mr. Kerr owes a total amount of £2202.50 and Mr. Rea a total amount of £687.49. Committee should note that Mr. Rea makes regular payments servicing his debt.

Financial and Resource Implications

3.7 If these Licences are revoked, there will be a loss in annual Licence Fees of £2500. However, it is anticipated that there will be sufficient interest in these sites that the vacancies will be filled within a short time.

Equality or Good Relations Implications/Rural Needs Assessment

3.8 There are no issues associated with this report.

4.0 Document Attached

Minute of Committee meeting of 16th May

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Licensing Committee

Wednesday, 16th May, 2018

MONTHLY MEETING OF LICENSING COMMITTEE

Members present: Councillor O'Hara (Deputy Chairperson) (in the Chair); the High Sheriff (Councillor Howard); Alderman L. Patterson; and Councillors Boyle, Campbell, Clarke, Canavan, Craig, Dudgeon, Groves, Hussey, Hutchinson, McConville and Milne.

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

Apologies

Apologies for inability to attend were reported from the Deputy Lord Mayor (Councillor Copeland) and Councillors Collins, Heading and McReynolds.

Minutes

The minutes of the meeting of 18th April 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 May, 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.

Review of Stationary Street Trading Licences – Fountain Lane and Fountain Street

The Building Control Manager informed the Committee that Mr. Joseph Kerr had, for several years, held a Stationary Street Trading Licence for each of the above-mentioned sites.

He reported that, during that time, he had failed consistently to pay his annual licence fee and reminded the Committee that it had, in the past, agreed that it was minded

**Licensing Committee,
Wednesday 16th May, 2018**

to revoke both licences. The Committee had subsequently agreed only to rescind its decision upon being advised that the outstanding fees had been paid in full. He drew the Members' attention to the fact that Mr. Kerr had again failed to pay his licence fees and that, despite efforts by officers to contact him, he owed currently £1,577.54 in total. In addition, inspections had revealed that he was trading only sporadically and that he seldom utilised both sites.

The Building Control Manager pointed out that the Street Trading Act (Northern Ireland) 2001 stipulated that the Council could, in certain circumstances, revoke a licence at any time after it had been granted. Such circumstances would include, as in this case, the non-payment, without reasonable explanation, of fees and charges and a failure to avail to a reasonable extent of a licence. He explained that, should the Committee be minded to revoke Mr. Kerr's Licence, the aforementioned Act required that he be provided with advance notification to that effect and be invited to either make written representation to the Committee or to attend a future meeting in person.

After discussion, the Committee agreed that it was minded to revoke the Stationary Street Trading Licences held by Mr. Joseph Kerr in respect of the designated sites at Fountain Lane and Fountain Street and agreed that he be invited to make representation to the Committee regarding that decision.

The Committee agreed also that a report be submitted to a future meeting providing information on those street traders who had failed to pay their licence fees and on those who were not utilising their licences on a regular basis.

Chairperson



Subject:	Institute of Licensing National Training Event
Date:	15th August, 2018
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext 2435
Contact Officer:	James Cunningham, Regulatory Services Manager, ext 3375

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report/Summary of Main Issues
1.1	The Institute of Licensing is the professional body for licensing practitioners in local government, the police, private sector, trade and the legal profession. The Institute was established to provide education and training and to disseminate knowledge in all matters relating to licensing. The Institute operates throughout England, Wales, Northern Ireland and Scotland.
1.2	Members are reminded that Belfast is a Corporate Member affiliated to the Northern Ireland Region of the Institute and Mr. James Cunningham, within the Building Control Service, is the Chairman of the Institute of Licensing (Northern Ireland Region) and a Director and Trustee of the Institute.
1.3	This year, the Institute will hold its National Training Event in the Holiday Inn Hotel, Stratford-Upon-Avon from Wednesday 14th to Friday 16th November. The event will include topics such as:

	<ul style="list-style-type: none"> • Licensing developments in Northern Ireland • The Role of Safety Advisory Groups • The Role of the Licensing Authority, delegations and authorisations • Conducting Licensing hearings • Planning and Licensing - where are we now and the Raynsford Review outcomes • Better regulation and reducing the burden.
2.0	Recommendations
2.1	It is recommended that the Committee authorises the Chair, the Deputy Chair, the Director of Planning and Building Control and the Building Control Manager (or their nominees) to attend the Institute of Licensing National Training Event from 14th to 16th November.
2.2	Members might also wish to consider funding the travel to the conference of Mr. Cunningham, in recognition of his work in attaining the position of chairman of the Northern Ireland Branch. Mr Cunningham's residential fee for the event is paid for by the Institute of Licensing.
2.3	It is also recommended that the Committee agree to authorise the payment of the conference fees, together with the appropriate travelling, subsistence and attendance allowances in connection therewith.
2.4	Should you agree to the Chairperson, the Deputy Chairperson, the Director of Planning and Building Control and the Building Control Manager attending the event, the Committee might wish to consider rescheduling the November Licensing Committee meeting, which is taking place on 14th November and which coincides with the event. An alternative date will be identified in due course.
3.0	Main Report
	<p><u>Key Issues</u></p> <p>3.1 The National Training Event is a great opportunity for Members and officers to meet with licensing professionals from across the UK and keep abreast of changes to licensing in other jurisdictions. The contacts established through previous conferences have been of great benefit. Members may recall Stephen McGowan (Partner with national law firm TLT LLP) attended a meeting of the Licensing Committee in 2015 to provide Members with an overview of the Scottish licensing system and to comment on proposed changes to legislation here.</p> <p><u>Financial and Resource Implications</u></p> <p>3.2 The residential fee for the training event is £697 including VAT per delegate and travelling and subsistence will be approximately £200 per delegate. The fee includes full access to the programme on each day, all meals and overnight accommodation. This figure has already been allowed for in the estimates for the current year.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>3.3 There are no issues associated with this report.</p>

4.0	Document Attached
	Preliminary details of the National Training Event

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NATIONAL TRAINING CONFERENCE

STRATFORD-UPON-AVON

14 - 16 November 2018

DRAFT PROGRAMME

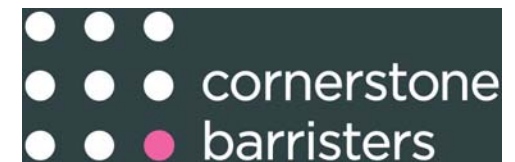
#NTC2018

Special thanks to all our
sponsors supporting the
conference


Barnardos



Francis Taylor Building



INSTITUTE OF LICENSING - NATIONAL TRAINING CONFERENCE 2018

Day 1, WEDNESDAY 14 November 2018 - Crowne Plaza, STRATFORD-UPON-AVON

9.45 - 10.25	10.25 - 10.45	10.45 - 11.15 Session 1	11.15 - 11.45	11.45 - 12.45 Session 2	12.45 - 2.00	2.00 - 2.45 Session 3	2.50 - 3.35 Session 4	3.35 - 4.00	4.00 - 4.45 Session 5	4.50 - 5.35 Session 6
<p align="center"> Registration Welcome - Dan Davies, IOL Chair OPENING SPEAKER BREAK LUNCH COFFEE </p>				Planning and Licensing - where are we now and the outcomes Raynsford Review Sarah Clover - Kings Chambers		Habitats Directive and the Licensing Act 2003 Gary Grant & Charles Streeten, Francis Taylor Buildings	Home Office Update		Public Health in Scottish licensing: Lessons for the UK Stephen McGowan, TLT Solicitors	Minimum Unit Pricing in England and Wales. Stephen McGowan, TLT Solicitors Gary Grant, Francis Taylor Buildings Paul Chase, CPL
				Ministers Working Party on Taxi and Private Hire Licensing - Professor Mohammed Abdul-Haq, Chair and Department for Transport Update - Future changes and legislative plans		James Button on Taxis	Licensing - the Uber model Matt Lewin, Cornerstone Barristers & Uber		TBC	TBC
				New psychoactive substances and other drug trends Neil Brooks		TBC	TBC		Drinkaware Crew Elaine Hindal, Drinkaware	Local Alcohol Partnership Groups
						Night Safe Project Kerry Simpkin, Westminster City Council	Caravan Licensing Julia Bradburn		Acupuncture and Tattooing Julia Bradburn	GDPR and Licensing Estelle Dehon, Cornerstones
						Animal Licensing in England Andy Howarth, DEFRA & Linda Cannon	Lucy's Law and 3rd Party sales Sarah Clover, Kings Chambers		Street Trading: England & Wales V London Gareth Hughes, Keystone Law	Street Trading: Northern Ireland & Scotland James Cunningham, Belfast City Council, and Stephen McGowan, TLT Solicitors
						TBC	Outdoor Events		The Role of Safety Advisory Groups John Newcombe, London Borough of Newham	TBC

INSTITUTE OF LICENSING - NATIONAL TRAINING CONFERENCE 2018

Day 2 - THURSDAY 15 November - Crowne Plaza, STRATFORD-UPON-AVON

9.30 - 9.50	09.50 - 10.30	10.35 - 11.35	11.35 - 12.00	12.00 - 12.45	12.45 - 1.45	1.45 - 2.30	2.35 - 3.20	3.20 - 3.45	3.45 - 4.30	4.35 - 5.35
	AGM	Session 1		Session 2		Session 3	Session 4		Session 5	Session 6
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">COFFEE & REGISTRATION</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg); font-size: 2em; font-weight: bold;">Page 57 of 68</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg); font-size: 2em; font-weight: bold;">Institute of Licensing National AGM</p>		<p align="center">Law Update</p> <p align="center">Sarah Clover, Kings Chambers</p>	<p align="center">COFFEE</p>	<p align="center">Public Health in Licensing</p>	<p align="center">LUNCH</p>	<p>Safeguarding in Licensing - what could possibly go wrong?</p> <p>James Button, James Button & Co.</p>	<p>Modern Day Slavery & Trafficking</p>	<p align="center">COFFEE</p>	<p align="center">Patersons Discussion Panel</p> <p align="center">'Mediation'</p>	<p align="center">Rethinking drug control at licensed venues and events</p> <p align="center">Dr Henry Fisher and Professor Fiona Measham, Volteface with Philip Kolvin QC, Cornerstones</p>
		<p>Taxis, CCTV and GDPR</p> <p>Ben Williams and Freddie Humphries, Kings Chambers</p>		<p>Partnership approach to enforcement - is there a better way? An assessment of the inter relations with the Trade, their advisors and the Licensing Authority and the Responsible Authorities</p> <p>Clare Eames, Poppleston Allen & Rebecca Callum, Stonegate</p>		<p align="center">Driverless Taxis</p>	<p>Workshop Session: Taxis and Private Hire Licensing - challenges now and in the future</p> <p>James Button, James Button & Co & Stephen Turner, Lawyers in Local Government & Andy Eaton, Rother & Wealdon Councils</p>		<p align="center">Avoiding and dealing with Taxi/PH Appeals</p> <p align="center">Prof Roy Light, St John's Chambers</p>	
		<p align="center">TBC</p>		<p align="center">Public Health in Licensing</p>		<p align="center">BBN and National Pubwatch</p>	<p align="center">Industry perspective</p>		<p align="center">Avoiding and dealing with Taxi/PH Appeals</p> <p align="center">Prof Roy Light, St John's Chambers</p>	
		<p align="center">Gambling Commission</p>		<p align="center">TBC</p> <p align="center">Nick Arron, Poppleston Allen</p>		<p align="center">Clubs and the Gambling Act 2005</p> <p align="center">David Lucas, Fraser Brown Solicitor</p>	<p>FOTB's and the impact the recent law changes will have on local authorities</p> <p>Ewen MacGregor, Gregg Latchams</p>		<p align="center">TBC</p> <p align="center">Joseph Cannon, Cornerstones</p>	
		<p>The Role of the Licensing Authority, delegations and authorisations</p>		<p align="center">Councillor Conduct</p> <p align="center">Dave Daycock. Iscoed Chambers</p>		<p>Bright line policies - how why and when?</p> <p>Philip Kolvin QC, Cornerstone Barristers</p>	<p>How Greater Manchester have harmonised taxi policy</p> <p>John Garforth, Oldham Council & John Gregory, Tameside Council</p>		<p align="center">Licensing Fees, and recovering the cost of the licensing function</p>	
		<p>Drop In - Gambling Commission Gaming Machines for Demonstration & Online Learning Modules</p>		<p>Drop In - Gambling Commission Gaming Machines for Demonstration & Online Learning Modules</p>		<p align="center">TBC</p>	<p align="center">TBC</p>		<p align="center">Appeal Of Interim Steps</p> <p align="center">Duncan Craig, Citadel Chambers</p>	

INSTITUTE OF LICENSING - NATIONAL TRAINING CONFERENCE 2018

Day 3 - FRIDAY 16 November - Crowne Plaza, STRATFORD-UPON-AVON

9.30 - 9.45	9.45 - 10.15	10.20 - 10.50 Session 2	10.55 - 11.40 Session 3	11.40 - 12.00	12.00 - 1.00 Session 4	1.00
		Developments in Licensing; an LGA update Rebecca Johnson, Local Government Association	LAW UPDATE Gareth Hughes, Keystone Law & Tim Shield, John Gaunt & Partners	COFFEE	IoL Expert Panel	Chairman's Closing Remarks
		TBC	TBC			
		TBC	Sexual Entertainment Venues Leo Charalambides, Editor- Journal of Licensing			
		TBC Kathryn Preece - Office for Product Safety and Standards	The Portman Group Code: reflections on membership of the Complaints Panel Roy Light, St John's Chambers			
	TBC Stewart Wright, Harrison Clark Rickerbys	TBC	James Button on Taxis REPEAT SESSION (DAY 1 & 3)			
						<i>Packed lunch to go</i>