

Licensing Committee

Wednesday, 16th April, 2014

MEETING OF LICENSING COMMITTEE

Members present: Alderman Ekin (Chairman);
Aldermen R. Patterson and Rodgers;
Councillors Attwood, M.E. Campbell, Clarke,
Groves, Jones, Keenan, Magee, Mallon,
Ó Donnghaile, Reynolds and Spence.

In attendance: Mr. T. Martin, Head of Building Control;
Ms. N. Largey, Solicitor; and
Mr. H. Downey, Democratic Services Officer.

Apologies

Apologies were reported on behalf of Councillors Cunningham and Hutchinson.

Minutes

The minutes of the meeting of 19th March 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 April, 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.

Non-Delegated Matters

Presentation – Odyssey Trust Company Limited

The Committee was reminded that, at its meeting on 19th March, it had acceded to a request from Mr. R. Fitzpatrick, Chairman of the Odyssey Trust Company, to address a future meeting on issues relating to the 'I am Hardwell' music event which had taken place in the Odyssey Complex on the evening of 9th February. Accordingly, Mr. Fitzpatrick, together with Mr. A. Doyle, General Manager, Odyssey Complex, were admitted to the meeting.

Mr. Fitzpatrick reviewed the circumstances surrounding the event on 9th February and confirmed that the Odyssey Trust Company had, subsequently, organised a meeting of the relevant agencies, including the Council, to identify appropriate actions which could be implemented to prevent a recurrence. Those included working with the relevant organisations to address the problem of alcohol misuse, including on buses travelling to the venue, and formulating a protocol for defining what would be considered to be a 'major event'. In addition, staff would, in future, be deployed to ensure that no

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erroneous information was being issued through social media in relation to events and would issue statements on the Trust's behalf, if required.

Mr. Fitzpatrick concluded by stating that the Odyssey Trust Company sought always to ensure that the Complex was viewed as being a family-orientated venue and that it was requesting the Council to take the lead in addressing issues around alcohol misuse across the City.

Mr. Doyle informed the Members that only around 5% of the events which took place each year within the Odyssey Complex required additional planning and pointed out that it compared favourably with other arenas across the United Kingdom in terms of both planning and delivery.

Messrs. Doyle and Fitzpatrick thanked the Committee for receiving them and they retired from the meeting.

During discussion, several Members highlighted the considerable work which was being undertaken by the Council, the Northern Ireland Assembly and other agencies to address issues around alcohol misuse.

After further discussion, the Committee noted the information which had been provided and agreed that a report be submitted to a future meeting providing further details on the extent of that work, including advice around the consumption of alcohol on buses, and outlining ways in which the Council could co-ordinate the work.

Update on Enforcement Proceedings

The Committee was reminded that it had agreed that a report be submitted on a regular basis providing information on the number of legal proceedings, together with the outcomes, which had been initiated by the Council in relation to breaches of the Entertainments Licensing legislation.

The Head of Building Control submitted for the Committee's consideration a summary of prosecutions which had been undertaken since 2009. He pointed out that, despite legal proceedings being instigated, the Building Control Service continued to engage proactively with licensees to resolve the issues identified and to improve their safety procedures. He reminded the Committee that, under the terms of the Local Government Miscellaneous Provisions (Northern Ireland) Order 1985, it must, in considering any application for the grant, renewal or transfer of an Entertainments Licence, have regard to any conviction of an 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. He confirmed that such applications would continue to be brought to the Committee's attention as part of the application process.

Noted.

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Amendment to the Scheme of Delegation to Include Fire Risk Assessments

The Head of Building Control reminded the Members that the Council had, in 2012, agreed to enter into a Memorandum of Understanding with the Board of the Northern Ireland Fire and Rescue Service in order to accept delegated enforcement powers under Article 13(1) of the Fire and Rescue Services (Northern Ireland) Order 2006. He reported that, in order to fulfil the Council's duties under the Memorandum, the Building Control Service was required to audit Fire Risk Assessments for licensed premises which were submitted as part of the licensing application process. Such assessments were undertaken with a view to identifying and reducing hazards and determining the fire safety measures and management policies which were necessary to ensure the safety of patrons, should a fire occur.

He explained that the Building Control Service received each year approximately 350 applications relating to entertainments licensing, only around 15% of which contained the required supporting documentation. It was normal practice for applicants to be given an opportunity to provide any missing documentation up to a maximum of six weeks from the date on which their application had been received, which, for the majority of them, was an effective way of completing the process. However, in circumstances where the documentation had still not been submitted within that timeframe, the Director of Health and Environmental Services could, under the Council's Scheme of Delegation, deem an application refused. He informed the Members that it was now proposed that the Scheme be extended to enable the Director to deem refused applications for Entertainments Licences where a suitable Fire Risk Assessment had not been provided within the established timeframe and he recommended accordingly.

The Committee adopted the recommendation.

Update on Outdoor Events Policy

The Committee considered the undernoted report:

“1 Relevant Background Information

- 1.1 Members may recall that, at the meeting on 11th December 2013, you agreed that the proposed Outdoor Events Policy be considered at Party Briefings to obtain the views of Members on how they would like the policy to be implemented and managed.**
- 1.2 It was agreed also that, following that process, a draft policy would then be presented to the Committee for its consideration. The proposed policy will seek to streamline the current process for dealing with applications for outdoor entertainment, assist the Committee in its decision-making and enable licensees and promoters to plan for events more effectively.**

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- 1.3 As a result of your decision of 11th December, a series of briefings took place over the months of February and March and a summary of those discussions is included in this report.**
- 1.4 At each meeting, Parties were provided with a map which indicated the location of a number of potential concert sites identified by the Service. For those sites, we provided key facts about each site such as size and proximity to residential areas along with details as to who the Service has consulted with in order to assess their suitability. Samples of the documents used in the Party briefings have been forwarded to Members.**
- 1.5 As part of the briefing Members were asked to consider:**
- 1. Your main concerns with outdoor events and what issues you would like the policy to address**
 - 2. Areas of the City where you might permit events to operate beyond the standard hours of 11.00 pm (if any)**
 - 3. If you were concerned with events that operate for more than one or two separate or consecutive days and what you might consider to be an appropriate number of nights**
 - 4. How we would advertise the availability of these sites and subsequently manage their use.**

2 Key Issues

- 2.1 During discussions, there was general agreement that it was important for Belfast to remain an attractive option for world class artists to visit. However, whilst this may be the case, you also acknowledged the provision of this facility needs to be balanced against respecting the rights of local residents and the enjoyment of their properties.**
- 2.2 The main issues raised at the briefings related to:**
- 1. The use of Custom House Square due to the number of consecutive days events are held at the site for such events as Belsonic**
 - 2. Identifying other potential City Centre sites to create enough options that could be utilised as alternative sites to Custom House Square to alleviate disturbance to residents.**

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- 3. The excessive consumption of alcohol by persons attending events by bus/coach or car and how they have the ability to consume alcohol while on those vehicles (preloading)**
- 4. How best to inform residents about events, especially within their constituencies**
- 5. How to make areas remote from city centre more appealing, e.g: Giants Park**
- 6. Utilising other potential sites for events within your constituency areas.**

Custom House Square

- 2.3 The licensee for the site, the Department for Social Development, is keen that the site be fully utilised and promoted as an event space and has advised that the site was approved as an event space which would co-exist with the residential amenities around it.**
- 2.4 Additionally, following consultation with promoters who hold events in Custom House Square and across Belfast they all considered that they would prefer to hold their events in the core city centre, such as Custom House Square, or in close proximity to it.**
- 2.5 Furthermore, those who use the Square have indicated that their concerts are now regarded as annual events on the social calendar which are synonymous with the venue and they are keen to see them remain at the site. They point out that hosting events in Custom House Square contributes to the night time economy and helps make Belfast a popular destination for both tourists and promoters.**

City Centre Venues

- 2.6 Through the briefings it was requested that Officers investigate if other sites in the city centre could be identified to host events such as Belsonic and if these could be used on a rotational basis in order to reduce the impact of nuisance and disturbance to residents in their immediate vicinity.**
- 2.7 However, following research we have been unable to locate other venues within the city centre area that can accommodate a similar audience size to that of Belsonic.**

- 2.8 Potential sites close to the city centre which are available such as Titanic Quarter or Botanic Gardens were discussed with the promoters but they have expressed an unwillingness to relocate from an established event site which works well for their entertainment model.

Preloading - Consumption of Alcohol on Buses

- 2.9 Members are advised that, despite willingness from promoters, Officers of the Council and the PSNI to address the problem of excessive alcohol consumption there is little or no control over that can be exercised by those planning to attend the event. The promoter can only control matters once patrons attempt to gain entry to the event or when inside.
- 2.10 There is legislation in place which prohibits the consumption of alcohol on coaches however it is difficult to police and is not enforced in practice by many operators.
- 2.11 Nevertheless, Officers of the Council are working with other enforcement agencies in order to try and address the problem and exploring options with Legal Services to identify how best to improve regulations in this area.
- 2.12 Whilst we can attempt to address some of these matters through entertainments licensing powers they do not have the range and scope to create a holistic solution.

Informing residents about events

- 2.13 Some Members raised the issue of resident's notification about forthcoming events. This is catered for by a standard licence condition requiring the licensee to notify those residents living in the vicinity, as agreed with Council Officers, in a timely manner.
- 2.14 This was done for all of last year's events and in particular for the large/major events, such as Tennents Vital. The Service also released an article in the Council's City Matters magazine to further raise awareness. Additionally, Officers also liaised with local Community Groups and sent all Elected Members an advice letter about the outdoor events.

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How to make areas remote from city centre more appealing

- 2.15** Members asked how sites, such as Giants Park, could be made more appealing and accessible. Whilst promoters have indicated that Giants Park is not an attractive location to them the matter will be raised with the relevant Department to consider if any improvements could be made in this regard.

Other venues

- 2.16** Through the briefings Officers were asked to investigate some additional sites to add to the current list of potential outdoor sites. As such we consulted with the relevant owners to find out if they were keen for the sites to be used for events and if they would then consider applying for an Entertainments Licence.

The list of those sites are as follows:

- 1. Stormont Grounds**
- 2. Victoria Park**
- 3. Danny Blanchflower Park**
- 4. Writers Square**
- 5. Marlborough Park**
- 6. King George V Playing Fields**
- 7. Strangford Playing Fields**
- 8. Windsor Park**
- 9. Ravenhill Rugby Ground**

A summary of the discussions for adding the above sites is as follows:

Stormont Grounds

- 2.17** As this site is Crown Property, it does not fall within the scope of The Local Government (Miscellaneous Provision) (N.I) Order 1985 and, therefore, does not require an Outdoor Entertainments Licence and could not be included within the policy.

Victoria Park, Danny Blanchflower Park, Marlborough Park, King George Park, Strangford Playing Fields

- 2.18** Like most of the outdoor sites currently covered by an Entertainments Licence, these sites are the responsibility of the Parks and Leisure Department.

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- 2.19** Members are advised that Officers of the Service have worked very closely with the Parks and Leisure Department not only regarding the development of this policy but to also help them identify considerable cost and efficiency savings in the administration of their licence applications.
- 2.20** Discussion with the Department confirmed that any events held at these venues in recent years did not require an Entertainments Licence nor was this trend likely to change.
- 2.21** Whilst it may be advantageous to increase the number of sites licensed for entertainment purposes to allow a prospective promoter to request use of the site it was not considered economically viable to spend money on a licence which may never be used.

Windsor Park

- 2.22** Whilst there are no plans for this site to be utilised as a potential outdoor event space in the near future indications are that the Irish Football Association would be keen to use the redeveloped site for various opportunities, including events.
- 2.23** Promoters have advised the Service that they would be interested in using the site once it is redeveloped.

Ravenhill Rugby Ground

- 2.24** Currently, there is not an available window of opportunity to hold an outdoor event at Ravenhill as the time at the end of the season is used to carry out essential maintenance works to the grounds especially the pitch which is key to the hosting of tournaments.

Writers Square

- 2.25** The Department of Social Development have lodged applications with the Service for both the use of a Marquee and Outdoor Entertainments and these will be placed before you for your consideration in June as part of this policy.

Draft Policy

- 2.26** Following any further feedback at your meeting, it is the intention to produce a draft policy for approval at your meeting in June. The main purpose 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

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facilitate their event. It is also expected that the policy will help reduce the workload for the Committee in considering the number of reports relating to outdoor events.

2.27 Along with the draft policy it is also our intention to present a number of outdoor applications for consideration in line with the policy to determine appropriate finish times, frequency of use, sound measures and other conditions which are specifically suitable to each of the sites.

2.28 Further outdoor licence applications will be brought to subsequent meetings for consideration and to complete the development of the policy.

3 **Resource Implications**

Financial

3.1 None

Human Resources

3.2 None

Assets and other Implications

3.3 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 information contained within this report and to provide any final input prior to the development of the draft policy.”

After discussion, during which the Head of Building Control undertook to continue to work to identify potential outdoor venues within the Cathedral Quarter, the Committee noted the information which had been provided and that the draft Outdoor Events Policy would, in due course, be submitted for its approval.

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**THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE OF
THE POWERS DELEGATED TO IT BY THE COUNCIL AT ITS MEETING ON
1st MAY, 2007 IN ACCORDANCE WITH STANDING ORDER 46**

Licences Issued under Delegated Authority

The Committee noted a list of licensing applications which had been granted under the delegated authority of the Director of Health and Environmental Services.

**Application for the Renewal of a Seven-day Annual Entertainments Licence –
Teach na Monagh, 2a Monagh Drive**

The Committee was advised that an application had been received for the renewal of a Seven-day Annual Entertainments Licence in respect of the above-mentioned premises. The Head of Building Control explained that, under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, the Committee, in considering an application for the grant, renewal or transfer of an Entertainments Licence, must have regard to any convictions of the applicant relating to the Order which had occurred with the five-year period immediately preceding the date on which the application had been made.

He reported that the applicant had, on 29th January, 2013, been convicted at the Belfast Magistrates Court of three offences under the aforementioned Order. Those had related to an inspection of the premises by officers from the Building Control Service whilst entertainment had been taking place which had found that a final exit had been locked at the rear of the premises, a designated emergency escape route had been partially obstructed and the log book which was used to demonstrate that appropriate pre-event safety checks had been carried out had not available at the time of the inspection. As a result, a fine of £800 and costs of £66 had been imposed. He reminded the Committee that, at its meeting on 20th February, 2013, it had, upon being advised of the breaches and the fact that the premises were now being managed satisfactorily, agreed to renew the Entertainments Licence.

In terms of the current application, he explained that no written representations had been received and that the Police Service of Northern Ireland had offered no objection. In addition, no further issues had been identified by the Building Control Service regarding the operation of the premises.

Accordingly, the Committee agreed, in its capacity as Licensing Authority, to grant a renewal of a Seven-day Annual Entertainments Licence in respect of Teach na Monagh, 2a Monagh Drive.

**Application for Additional Hours –
Belfast Harlequins, 45a Deramore Park**

The Head of Building Control submitted for the Committee's consideration a report providing information on an application which had been received from Belfast Harlequins seeking to hold in June a two-day family event within a marquee at the club's

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sports grounds. He reported that the club held currently a Marquee Entertainments Licence which permitted entertainment to take place from Monday to Sunday from 11.30 a.m. till 11.00 p.m. within a marquee and that the licensee could, under a condition of the Licence, apply to hold events to a later hour. The premises held also a Seven-Day Annual Indoor Entertainments Licence which permitted entertainment to be provided from Monday to Saturday till 11.00 p.m. and on a Sunday till 10.00 p.m. within the main building on the site.

He informed the Members that the applicant had sought authority to operate till 11.30 p.m. on the night of Saturday, 28th June in order to accommodate a band which would be performing from 9.00 p.m. Since the application related to the extension of hours under an existing Licence condition, rather than varying the Licence, there had been no requirement to initiate the normal public advertisement process. However, the Police Service of Northern Ireland, as a statutory consultee, had been consulted and had offered no objection to the application.

The Head of Building Control reported further that officers from the Service had undertaken a number of inspections of the premises whilst entertainment had been taking place and had identified no issues in terms of health, safety and welfare management. The Council's Environmental Protection Unit had, since the Marquee Entertainments Licence had been renewed in 2013, received no noise complaints and had no issues around the current application. He confirmed that the organisers of the event had written to local residents advising them of the nature of the event and the proposed finishing time and that they would submit to the Council an event management plan, including a background noise survey, which would be assessed in order to ensure that all technical requirements were met.

The Committee agreed, in its capacity as Licensing Authority, that the standard hours on the Marquee Entertainments Licence for Belfast Harlequins be extended to enable entertainment to take place within a marquee till 11.30 p.m. on Saturday, 28th June, 2014, subject to all technical requirements being met to the satisfaction of Council officers.

Application for the Transfer and Renewal of a Seven-day Annual Entertainments Licence – Mynt Nightclub, 2-6 Dunbar Street

The Committee was advised that an application had been received for the transfer and renewal of a Seven-day Annual Entertainments Licence in respect of the above-mentioned premises. The Head of Building Control reported that no objections to the application had been received within the statutory twenty-eight day period. However, a letter had been received outside that timeframe from an anonymous source which had raised issues around the management of the premises and their links to persons or businesses who had, in the past, been the subject of enforcement action by the Council.

He pointed out that, under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, the Committee, when considering an application, must have regard to any representation which had been received within the twenty-eight day statutory period. However, where an objection had been received

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outside that period, the Committee could exercise its discretion and consider that objection, although it did not have a duty to do so.

After discussion, the Committee agreed, in view of the relevance of the objection, to exercise its discretion in this instance and to consider the application at a future meeting, to which the applicant would be invited.

**Application for the Renewal of a Seven-day Annual Entertainments Licence –
M Club, 23-31 Bradbury Place**

The Committee noted that an objection which had been submitted in respect of the above-mentioned application had been withdrawn and that the Entertainments Licence would now be issued under the delegated authority of the Director of Health and Environmental Services.

Designating Resolutions for New Street Trading Sites/Variation of Existing Sites

The Committee considered the undernoted report:

“1 Relevant Background Information

- 1.1 Members will recall that, at your meeting on 22nd January, you granted approval to initiate the statutory process for designating four new Street Trading Sites. These sites have been identified as a result of applications or expressions of interest received from individuals wishing to trade from new sites.**
- 1.2 One of the four sites was at the shop forecourt of 60 Ballysillan Park but this was subsequently withdrawn by the applicant after the January meeting. That was because the landowner of the forecourt had withdrawn their application to the Planning Service to use their land for a hot food van and, as such, the proposal was not pursued.**
- 1.3 The Committee also granted approval to initiate the statutory process for varying the commodities at two sites which had already designated.**
- 1.4 This process included seeking comments from interested parties, including relevant statutory bodies, through public advertisement and consultation.**
- 1.5 The Street Trading Act (N.I.) 2001 requires the Council to make sure that each application is fairly and objectively assessed, that all relevant factors are considered and in doing so, the Council must consult with:**

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- a) **The Police Service of Northern Ireland, and**
- b) **The Department for Regional Development Roads Service.**

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

- a) **Planning Service.**
- b) **Relevant Belfast City Council Departments.**
- c) **Belfast City Centre Management Company.**
- d) **Nearby Street Trading Licence holders who may be affected.**
- e) **Neighbourhood consultation with local residents, business and commercial premises in the vicinity of the site in respect of which the application has been received.**

1.7 Subsequently, the Service has received responses to the applications from a variety of interested parties and individuals. The purpose of this report is to enable the Committee to consider each of the proposals in conjunction with any submissions received and make a decision on whether or not to designate each site.

2 Key Issues

2.1 Each site is listed separately from A to E and indicated with their specific site location. Where appropriate, the commodities are also considered in addition to a synopsis of the comments received during the consultation period. Copies of all the responses have been forwarded to Members. Maps and photographs of each location will be presented to you at your meeting.

2.2 Members should consider if they wish to approve a designating resolution to designate the whole street or part of the street (site/s) where they may allocate street trading pitches, any commodity or service that may be offered and any restriction on the commodity or service that may be provided.

2.3 After considering all of the comments Members may also record any reasonable conditions that should be applied to a subsequent licence. For example, the hours of trade, days of trade, duration of licence, etc.

Site A: Donegall Square North/East Junction outside City Hall

- 2.4 The proposal is for hot and cold non-alcoholic beverages, confectionery and cold food or similar commodities. The site will operate during the day. The proposed size of the site is 3.1 metres in length and 2 metres in width and is located off the carriageway.

Police Service of Northern Ireland

- 2.5 The PSNI states that careful consideration needs to be given to the commodities offered, in particular, if tour bus tickets are granted this may present a potential issue. They also note that objections will be presented by Belfast City Centre Management.

DRD Roads Service

- 2.6 Roads Service has no objection to the site but has requested that the commodity permitted should be restricted to goods which will not encourage vehicles to stop to purchase them.
- 2.7 It has also requested that the goods permitted should minimise any vehicles required to service the site.

Published 28 day Notice

- 2.8 No responses were received to the notice.

Other Consultees

DSD City Centre Regeneration Directorate

- 2.9 The DSD has no comment or objections.

DOE Planning Service

- 2.10 The Planning Service does not wish to make any representation. They have previously stated that The Planning Order (NI) 1993 allows for licensed street markets and trading for the number of days specified in the Street Trading Licence.
- 2.11 It has advised that Planning Permission is not normally required if these are adhered to including the stall not becoming a permanent fixture and is removed when not in use.

Belfast City Council Facilities Management Civic HQ

- 2.12 Facilities Management has concerns about additional litter and state there are issues with young people gathering around the City Hall and they are concerned that the street trading site may attract more young people to gather around City Hall. They are concerned about the quality and standard of any future stall which is licensed as it must be in keeping with the City Hall as a 'Grade A' listed building.
- 2.13 They also advise that there needs to be the flexibility of removing the site in the event of other events or VIP visits, etc. Also at events that have catering in the grounds of City Hall it would be important that these new sites are flexible as if not and they are able to trade on the boundary of the grounds it would potentially negate these event traders being present.
- 2.14 Members are advised that there is currently no power contained within the Act to suspend a Designation or a Licence for any period.

Belfast City Council Events

- 2.15 The Events Unit have concerns regarding this site. They state that if the site is granted pitches must be closed and moved if and when events are being run so they will not interfere with those events.

Belfast City Centre Management and Chamber of Trade and Commerce

- 2.16 BCCM is opposed to the sale of any commodities that are already widely available within proximity of this location. This includes (but not exclusively) cold food, snacks, confectionery, ice cream, hot and cold non-alcoholic beverages, printed media and souvenirs.
- 2.17 Within the scope of Donegall Square, Donegall Place, Callender Street and Chichester Street, it is the view of BCCM that this location is already very well serviced in the provision of the aforementioned commodities. Consideration and priority should be given to commodities which would complement the geographical location but not to the detriment of existing traders.

Translink

- 2.18 No comment received.

Site B: Dublin Road in front of Shaftsbury Square Reformed Presbyterian Church

2.19 The proposal is for hot and cold non-alcoholic beverages, confectionery and cold food or similar commodities. The site will operate during the day. The proposed size of the site is 3.1 metres in length and 2 metres in width and is located off the carriageway.

Police Service of Northern Ireland

2.20 The PSNI has no objection to the proposal.

DRD Roads Service

2.21 The footway immediately in front of the building at this site is not within the public road network and DRD have no objection to the proposed site. However they have suggested that the commodity should be carefully chosen so as not to encourage vehicles to stop to purchase them.

Published 28 day Notice

2.22 No responses were received to the notice.

Other Consultees

DSD City Centre Regeneration Directorate

2.23 The DSD has no comment or objections to the proposal.

DOE Planning Service

2.24 The Planning Service does not wish to make any representation. It has previously stated that The Planning Order (NI) 1993 allows for licensed street markets and trading for the number of days specified in the Street Trading Licence.

2.25 They have advised that Planning Permission is not normally required if these are adhered to including the stall not becoming a permanent fixture and is removed when not in use.

Shaftsbury Square Reformed Presbyterian Church

2.26 The church are opposed to the designation as it is on their property. Although it may appear to be the public footpath the area is unadopted and they have plans to develop this area as

part of a project to provide disabled access to the front of the church.

Belfast City Centre Management and Chamber of Trade and Commerce

2.27 BCCM is opposed to the sale of any commodities that are already widely available within proximity of this geographical location.

2.28 They have suggested that consideration and priority should be given to commodities which would complement the geographical location but not to the detriment of existing traders. They further advise that consideration when determining the nature of the commodity should also be given to sensitivities relating to, and concerns of, local places of worship.

Translink

2.29 No comment received.

Site C: Donegall Square North – front of City Hall gates (additional site)

2.30 The proposal is for the sale of crepes and hot and cold non-alcoholic beverages from a traditional tricycle, the site will operate during the day. The proposed size of the site is 3 metres in length and 1.5 metres in width.

Police Service of Northern Ireland

2.31 The PSNI states that this area is used frequently for events, protests and parades and the addition of this permanent Street Trading site would be problematic. They also note that objections will be presented by Belfast City Centre Management.

DRD Roads Service

2.32 No objection

Published 28 day Notice

2.33 No responses were received to the notice.

Other Consultees

DSD City Centre Regeneration Directorate

2.34 The DSD has no comment or objections to the proposal.

DOE Planning Service

2.35 The Planning Service does not wish to make any representation. They have previously stated that The Planning Order (NI) 1993 allows for licensed street markets and trading for the number of days specified in the Street Trading Licence.

2.36 It has advised that Planning Permission is not normally required if these are adhered to including the stall not becoming a permanent fixture and is removed when not in use.

Belfast City Council Facilities Management Civic HQ

2.37 Facilities Management have concerns about additional litter and state there are issues with young people gathering around the City Hall and they are concerned that the street trading site may attract more young people to gather around City Hall. They are concerned about the quality and standard of any future stall which is licensed as it must be in keeping with the City Hall as a 'Grade A' listed building.

2.38 They also advise that there needs to be the flexibility of removing the site in the event of other events or VIP visits, etc. Also at events that have catering in the grounds of City Hall it would be important that these new sites are flexible as if not and they are able to trade on the boundary of the grounds it would potentially negate these event traders being present.

2.39 Members are advised that there is currently no power contained within the Act to suspend a Designation or a Licence for any period.

Belfast City Council Events

2.40 The Events Unit have concerns regarding this site. They state that if the site is granted pitches must be closed and moved if and when events are being run so they will not interfere with those events.

Belfast City Centre Management and Chamber of Trade and Commerce

2.41 BCCM is opposed to the sale of crepes and hot and cold non-alcoholic beverages from the traditional tricycle. They suggest that Donegall Square is already very well represented by businesses which already provide hot and cold non-alcoholic beverages.

2.42 Within Donegall Square's North, East and West, there are at least 9 premises which currently sell similar products. It is therefore the view of BCCM that this area is very well serviced in the provision of the aforementioned commodities.

Translink

2.43 No comment received.

Site D: Donegall Square North at the front gates of City Hall (variation of commodities)

2.44 The current commodity is the selling of ice cream from a traditional tricycle. The proposal is to include the additional commodities of hot and cold non-alcoholic beverages.

Police Service of Northern Ireland

2.45 The PSNI state that this area is used frequently for events, protests and parades and the continuation of this permanent Street Trading Site would be problematic. They also note that objections will be presented by Belfast City Centre Management.

DRD Roads Service

2.46 The Roads Service has no objection to the proposal.

Published 28 day Notice

2.47 No responses were received to the notice.

Other Consultees

DSD City Centre Regeneration Directorate

2.48 The DSD has no comment or objections to the proposal.

DOE Planning Service

- 2.49 The Planning Service does not wish to make any representation. It has previously stated that The Planning Order (NI) 1993 allows for licensed street markets and trading for the number of days specified in the Street Trading Licence.
- 2.50 It has advised that Planning Permission is not normally required if these are adhered to including the stall not becoming a permanent fixture and is removed when not in use.

Belfast City Council Facilities Management Civic HQ

- 2.51 Facilities Management have concerns about additional litter and state there are issues with young people gathering around the City Hall and they are concerned that the street trading site may attract more young people to gather around City Hall. They are concerned about the quality and standard of any future stall which is licensed as it must be in keeping with the City Hall as a 'Grade A' listed building.
- 2.52 They also advise that there needs to be the flexibility of removing the site in the event of other events or VIP visits, etc. Also at events that have catering in the grounds of City Hall it would be important that these new sites are flexible as if not and they are able to trade on the boundary of the grounds it would potentially negate these event traders being present.
- 2.53 Members are advised that there is currently no power contained within the Act to suspend a Designation or a Licence for any period.

Belfast City Council Events

- 2.54 The Events Unit have concerns regarding this site. They state that if the site is granted pitches must be closed and moved if and when events are being run so they will not interfere with those events.

Belfast City Centre Management and Chamber of Trade and Commerce

- 2.55 BCCM is opposed to the sale of hot and cold non-alcoholic beverages from the traditional tricycle. They suggest that Donegall Square is already very well represented by businesses which already provide hot and cold non-alcoholic beverages.

- 2.56 Within Donegall Square's North, East and West, there are at least 9 premises which currently sell hot and cold non-alcoholic beverages. It is therefore the view of BCCM that this area is very well serviced in the provision of the aforementioned commodities.

Site E: Castle Place opposite 'Donegall Arcade' (variation of commodities)

- 2.57 Current designation allows the Council to determine what commodity is offered, but excludes the sale of hot food and bus tour tickets. The proposal is to allow for the sale of bus tour tickets.

Police Service of Northern Ireland

- 2.58 The PSNI states that the selling of bus tour tickets is a contentious issue. There is ongoing negotiations between the tour companies and Belfast City Centre Management as to where these vendors should be sited. They have suggested that any extension of commodities to include tour tickets should be deferred until a clear decision is reached from this negotiation process.

DRD Roads Service

- 2.59 The Roads Service has no objection to the proposal.

Published 28 day Notice

- 2.60 No responses were received to the notice.

Other Consultees

DSD City Centre Regeneration Directorate

- 2.61 The DSD has no comment or objections to the proposal.

DOE Planning Service

- 2.62 The Planning Service does not wish to make any representation. They have previously stated that The Planning Order (NI) 1993 allows for licensed street markets and trading for the number of days specified in the Street Trading Licence.
- 2.63 They have advised that Planning Permission is not normally required if these are adhered to including the stall not becoming a permanent fixture and is removed when not in use.

Belfast City Centre Management and Chamber of Trade and Commerce

- 2.64 BCCM is opposed to the sale of bus tour tickets at this location or any other mobile location within Belfast city centre.

Translink

- 2.65 Translink objects to the sale of bus tour tickets at this location as there is a bus stop for Ulsterbus and Metro services 61, 64, 64b, 96. They believe the congestion that could arise at the stall with the sale of bus tour tickets could impinge on their customers and bus operations.

Decision

- 2.66 The Committee should now decide whether or not to approve the additional three sites by varying the number of designated sites in the designating resolution and any restriction to be placed on the commodity or service to be provided as part of the designation resolution.
- 2.67 Members are reminded that once the site becomes designated you will subsequently have to consider any future application received for a street trading licence on the site.
- 2.68 At that time, you will assess the suitability and quality of the proposal and may decide to grant or refuse a licence within the requirements of the Act. Any licence granted may also be subject to reasonable conditions which can be used to control the commodities being sold, and potential nuisance, etc.

3 Resource Implications

Financial

- 3.1 The cost of all notices is included in current revenue budgets. The required notice to confirm the designation will cost approximately £5,000 as it must be placed in two newspapers for two consecutive weeks. This requirement is contained in the Street Trading Act (N.I.) 2001. The Council's policy is that all notices are placed in the three main papers.

Human Resources

- 3.2 The administration of Street Trading Designation applications and the process of consultation can be accommodated by staff within the Service.

Asset and Other Implications

3.3 There are no implications.

4 **Equality and Good Relations Considerations**

4.1 There are no equality or good relations issues.

5 **Recommendations**

5.1 Based on the evidence presented regarding the proposed designation of each of the three streets or part thereof (sites A-C) and the variation of commodities for existing sites (sites D & E), the Committee is asked to consider each proposal in turn and to decide whether to:

1. approve a Designating Resolution to designate the whole street or part of the street (site/s) where it may allocate street trading pitches for sites A-C. 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. approve the variation of the Designating Resolution at sites D and E. 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.

3. decide not to proceed with any or all of the Designating Resolutions or variations.

5.2 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 hours of trade, days of trade, duration of licence, etc.”

**Licensing Committee,
Wednesday, 16th April, 2014**

The Committee then proceeded to consider the following locations:

Designation of Sites

Donegall Square North (East Junction outside City Hall)

(Hot and cold non-alcoholic beverages, confectionery and cold food or similar commodities)

The Committee, having considered the comments which had been received, agreed not to designate the above-mentioned site, on the grounds that:

- i. the City Hall was a Listed Building and an iconic image of Belfast which needed to be protected;
- ii. the front of the City Hall was being used increasingly to stage events and the Street Trading legislation did not provide for the Council to suspend a Designated Site or Street Trading Licence for the duration of those events; and
- iii. the area was already well serviced in the type of commodities to be offered for sale.

Dublin Road (in front of Shaftesbury Square Reformed Presbyterian Church)

(Hot and cold non-alcoholic beverages, confectionery and cold food or similar commodities)

The Committee, having taking into account the comments which had been received, agreed not to designate the above-mentioned site, on the grounds that it was located on land which was under the ownership of the Shaftesbury Square Reformed Presbyterian Church.

Donegall Square North (in front of City Hall Gates)

(Sale of crepes and hot and cold non-alcoholic beverages)

The Committee, having considered the comments which had been received, agreed not to designate the above-mentioned site, on the grounds that:

- i. the City Hall was a Listed Building and an iconic image of Belfast which needed to be protected;
- ii. the front of the City Hall was being used increasingly to stage events and the Street Trading legislation did not provide for the Council to suspend a Designated Site or Street Trading Licence for the duration of those events; and
- iii. the area was already well serviced in the type of commodities to be offered for sale.

**Licensing Committee,
Wednesday, 16th April, 2014**

Variation of Commodities

Donegall Square North (at front gates of City Hall)

The Committee agreed, in view of the fact that the above-mentioned site had been licensed for a number of years, to vary the Designating Resolution to include the sale of hot and cold non-alcoholic beverages, with the Resolution to take effect from 30th June, 2014.

The Committee requested that officers monitor the impact of the presence of this stall upon events taking place at the front of the City Hall and confirmed that it would take any issues into account when considering the renewal of the Licence in April, 2015.

Donegall Square North (at front of City Hall close to its junction with Donegall Square West)

Arising from discussion in the foregoing application, the Head of Building Control confirmed that a Street Trading Licence for the sale of drawings of listed buildings in Belfast, books, pamphlets and postcards at the above-mentioned location had not been renewed since its expiry in November, 2013.

Accordingly, the Committee agreed, given that it had agreed not to designate two additional sites at the front of the City Hall, that consideration be given to rescinding the Designating Resolution for this site and authorised officers to draft a policy for use in assessing future Street Trading applications in the vicinity of the City Hall.

Castle Place (opposite Donegall Arcade)

The Committee agreed to defer consideration of an application for the variation of the Designating Resolution for the above-mentioned site to provide for the sale of bus tour tickets, pending the outcome of a review which had been commissioned by the Development Department into sightseeing coach provision in the City.

Chairman