Licensing Committee

Wednesday, 20th August, 2014

MEETING OF LICENSING COMMITTEE

Members present: Alderman Ekin (Chairman);
Aldermen McCoubrey, R. Patterson, Rodgers, Stalford and Webb;
Councillors M.E. Campbell, Clarke, Cunningham, Groves, Hutchinson, Magee, Mullan, Ó Donnghaile, Reynolds and Spence.

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

Apologies

Apologies were reported on behalf of Councillors Attwood, Hussey and Keenan.

Minutes

The minutes of the meeting of 18th June 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 July, 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

Review of Procedures Governing the Licensing Committee

The Committee considered the undernoted report:

"1 Relevant Background Information

1.1 Members may recall that, at your meeting on 22nd January, the Committee endorsed the need for a protocol as a guide for this Committee in exercising its functions. The Committee agreed that the consultation document be referred to the Political Parties on the Council for consideration and noted that any comments would be incorporated into a revised document for submission to a future meeting.

2 Key Issues

2.1 Officers from Building Control and Legal Services met subsequently with each of the Political Parties to discuss the protocol and the procedures governing the operation of the Committee.

Summary of feedback on operating protocols for the Licensing Committee

(a) *Applicants and objectors to hear each other's representations*

2.2 There was general agreement from all Parties that it would be appropriate to allow both applicants and objectors to be present whilst representations were being made in relation to licensing applications. This will enable both parties to hear everything that is said by the other in relation to the application and leave the Council in a stronger position to resist any potential legal challenge relating to the transparency of our decision making process. However, it is not intended that either party is present during the decision making process. Additionally, parties must remain silent when the other side is presenting and cannot engage in cross questioning of each other or the Committee.

2.3 Whilst it is recognised that this is a departure from the Council's current procedure of holding its Committee Meetings 'in camera', Members were generally content that this system could be introduced given that it will be a requirement that all Council and Committee meetings are open to the public after 31st March, 2015.

2.4 Some concerns were raised in connection with possible unfair pressure being placed on objectors either through 'force of arms' i.e. objectors who are mostly residents being intimidated by applicants' legal teams or residents' fear of exposing themselves to coercion. Whilst the former may be a consequence of the process, the latter can be taken care of by permitting the Chairman the right when there is demonstrable evidence of concern, and advised by officers, to revert to 'in camera' meetings.

2.5 Members queried how the process would be managed and felt it would be important that guidelines are drawn up to manage 'open' meetings generally and deal with matters such as ensuring order is maintained, preventing cross examination taking place between parties, determining the number of

people that may attend for each party, etc. and to examine if there should be scope for rebuttal presentations to be made.

(b) *Representations to Committee*

2.6 There was agreement from Members on the need to ensure that the Committee is presented with better information from officers, applicants and objectors and that any contentious matters are clarified before the meeting. Early information from both parties means that officers have an opportunity to verify any statement made by either side or research any assertions or allegations in advance of the Meeting.

2.7 The idea of each party providing a prepared statement in advance of the meeting which would then be read out, or used as a basis for, presentation at Committee was discussed at Party briefings. These statements would be supplied to both parties along with any other supporting information in advance so that everyone is fully informed of the matters under discussion prior to the meeting. As with item 2.5 if deemed necessary measures will be taken to ensure anonymity of statements where there might be a risk of coercion or intimidation.

2.8 Generally Members saw merit in this proposal as they have concerns about the time taken by some applicants and objectors in making representation to Committee. A prepared statement forming the basis of the representations means everyone is fully cognisant of the matters under discussion, will speed the process for those making representations and focus the Committee Meeting directly on relevant matters only.

2.9 Some Members were uneasy about those making representations only being permitted to read out their prepared statement at Committee and not being allowed to depart from this if necessary so we intend to incorporate some degree of flexibility where it appears that the circumstances warrant it, and/or under legal advice from officers.

2.10 Discussion also took place about dealing with information that was submitted by parties just prior to Committee taking place including information which was circulated to Members by either party without the knowledge of officers.

2.11 All Members agreed that this was unacceptable as it put the other party concerned at a disadvantage and did not provide officers with sufficient time to verify or investigate any

evidence submitted. Whilst all late submissions could not be ruled out it was suggested that all information, whether late or otherwise, must be tabled through the officers to ensure fairness, transparency and underpin the legal robustness of the process.

(c) *Role of Committee Chairman*

2.12 It was recognised that the Chairman is key to ensuring that all evidence is forthcoming, all issues are clarified and that matters are fully debated before any decision is made. The principle is that decisions made in the absence of information or those in which relevant considerations have not been taken into account are susceptible to intervention by the courts either on appeal or through judicial review.

2.13 Whilst acknowledging that there are rules under the Council's Standing Orders generally all Elected Members expressed the desire that the Meetings have a better structure. They endorsed the idea of the Chairman being robust in exercising control within the Committee and acknowledged that clearer guidelines would lead to more efficient and effective meetings.

(d) *Legal advice*

2.14 The final section of the protocol reaffirms the availability of legal advice to the Committee in making decisions and underscores the requirement for this to be properly considered before any decision is taken.

2.15 Members acknowledged the importance of being able to avail of legal advice at Committee meetings.

3 Resource Implications

3.1 Financial
None

3.2 Human Resources
None

3.3 Assets and other Implications
None

4 Equality Implications

4.1 There are no equality and good relations issues.

5 Recommendations

5.1 Based on discussions at the Party briefings, Members are asked to confirm that the content of this report is a fair reflection of their views and that Officers should now proceed to develop detailed proposals that will include guidelines on matters including:

(i) arranging, making provision for and managing the meetings

(ii) rules on submission of representations to Council

(iii) rules on exchange of submissions between relevant parties

(iv) guidance on the role of the Chairman

5.2 Given that the governance arrangements for the new Council and its Committees are under review as part of the Local Government Reform process, the foregoing issues and those regarding the role of Members of Committee generally must be taken into account in the drafting of these guidelines. As this is not a delegated power, any recommendation must go to full Council for ratification. Additionally, a report will also be brought to the appropriate Transition Committee.

5.3 Members are asked to note that the outworking of the wider governance review may cause some delay with the formulation of the final protocol document."

The Committee agreed that officers proceed on the basis set out within paragraph 5.1 of the report and noted the information contained within paragraphs 5.2 and 5.3 regarding the adoption of the protocol.

Alcohol Misuse/Consumption on Buses and Proposed Measures for Entertainment Events

The Committee was reminded that, at its meeting on 16th April, it had agreed that a report be submitted to a future meeting providing details on the extent of the work which was being undertaken by the Council, the Northern Ireland Assembly and other agencies to address issues around the social phenomenon of excessive drinking in Northern Ireland, including the consumption of alcohol on buses carrying patrons to entertainment venues. The Head of Building Control explained that that decision had been taken on the basis of problems which had arisen primarily on the final night of the 2013 Tennents Vital festival at the Boucher Road Playing Fields and at the 'I am Hardwell' music event which had taken place within the Odyssey Complex on the evening of 9th February, 2014.

He explained that the issue of alcohol misuse and its consumption on buses travelling to events had long been of concern to councils across Northern Ireland. To that end, Council officers had been working closely with the Department of the Environment's Roads Service and its Vehicle Policy Branch to examine the current law in that regard, which it was widely acknowledged was difficult for both coach operators and the Police Service of Northern Ireland to enforce. He confirmed that the Vehicle Policy Branch was responsible for areas such as vehicle safety and the issuing of bus operator licences and that, in 2013, it had conducted a consultation exercise on proposals for a new licensing regime which would provide it with increased powers to deal with vehicle regulation. That would include the implementation of a code of conduct for operators, which would seek to ensure that no alcohol was consumed on their buses. He added that Council officers were working with the Vehicle Policy Branch to consider ways of limiting the ability of patrons to consume alcohol on route to concerts and that discussions had taken place around the formulation of a campaign to raise awareness of the dangers of consuming alcohol on buses and of potential enforcement operation in support of the initiative.

Mr. P. Cunningham, Assistant Building Control Manager, informed the Members that he had overseen the establishment of a working group, comprising Council officers and a wide range of agencies and organisations, including the Department of the Environment, the Police Service of Northern Ireland, Drinkaware, Translink and the Federation of Public Transport, to review last year's Tennents Vital event and examine any indoor or outdoor concert which might be of concern in the longer term.

He reviewed the group's findings around alcohol abuse and its consumption on buses and drew the Committee's attention to a number of actions, which had included input from the promoter, which had been agreed in advance of this year's Tennents Vital festival. Those would include the use of a radio advert and poster campaign highlighting the dangers of consuming alcohol on buses, together with the penalty for detection. In addition, the promoter would place notices in newspapers and forward information to all ticket holders highlighting the campaign and providing directions to the event and details of parking arrangements. Letters would be forwarded also by the Department of the Environment to licensed private bus operators advising them of their responsibilities and of logistical arrangements. He added that it was intended that those actions would be replicated for similar events taking place in Belfast and across Northern Ireland and that the working group would review their effectiveness with a view to enhancing future events.

After discussion, during which it was pointed out that the measures, as outlined, would apply equally to substance misuse, the Committee noted the information which had been provided and commended the Assistant Building Control Manager for the significant work which he had undertaken to address the foregoing issues. The Committee noted that it would receive at its monthly meeting in October a report on the working group's evaluation of the 2014 Tennents Vital festival.

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Guidance Document on Outdoor Events

The Committee considered the undernoted report:

"1 Relevant Background Information

1.1 Members will recall that, at your meeting on 16th April, you requested that the Service prepare a draft Outdoor Events Policy for consideration following a series of Party Briefings in March of this year.

1.2 In drafting the document, we have consulted with various agencies such as the PSNI, DRD Roads Service, Northern Ireland Fire and Rescue Service and Northern Ireland Ambulance Service. Officers of the Environmental Protection Unit and Night Time Noise Team have also been consulted regarding noise levels at various outdoor sites.

1.3 Importantly, to ensure that proposals are practical and realistic, Officers have also engaged with various promoters that regularly host events in Belfast on an annual basis.

1.4 Another factor considered has been the nature and extent of any objection or cause for complaint associated with events held on a particular site to date and the likely impact that entertainment will have on the surrounding neighbourhood.

1.5 It is intended that the proposed policy will simplify the current process for dealing with applications for outdoor entertainment, assist the Committee in its decision-making, balance the needs of the wider community with those living in the immediate vicinity and provide guidance which will enable licensees and promoters to plan for events more effectively.

1.6 Through the development work we have undertaken it has become clear that what we have been referring to as a policy should more appropriately be deemed as a guidance document. Developing a Council policy requires us to undertake extensive public consultation and will result in a protracted process that will delay the document unnecessarily.

2 Key Issues

2.1 The primary aim in the development of the document has been to identify a range of outdoor concert venues of varying sizes which promoters can refer to if they are planning an event. This document will also outline how frequently a venue can be used, when the entertainment must finish and what, if any, other restrictions there may be relating to the use of the site.

2.2 If all these sites are pre-approved by Committee then an applicant can book an act well in advance secure in the knowledge that the site for the event will be licensed for the days and hours required.

2.3 The proposed guidance document will include a spreadsheet of venues and an associated map showing their location. For each site there is also an assessment sheet providing information about that site. The spreadsheet will be updated and amended as the guidance document is developed and implemented through the Committee process.

2.4 The spreadsheet also identifies venues that do not currently have an Entertainments Licence in place but which have potential to be used as a venue for certain types of event.

2.5 These mainly consist of venues owned by the Council's Parks and Leisure Department. Officers of the Service have liaised extensively with Officers of the Department whilst developing the guidance and it has been confirmed that events held at these venues in recent years did not require an Entertainments Licence and were unlikely to do so in the foreseeable future.

2.6 The Parks and Leisure Department has also advised that whilst it may be advantageous to increase the number of sites licensed for entertainment purposes it is not considered economically viable to spend money on a licence which may never be utilised.

2.7 Members are advised that this will not prevent a site from being used by prospective promoters as long as an appropriate application is made within the required timeframe to enable Committee to consider it.

2.8 As part of the discussions with Parks and Leisure we have also helped them to improve how they manage their licence applications thereby identifying considerable costs and efficiency savings; particularly in relation to advertising costs.

2.9 As well as a mechanism to facilitate applications for venues which are not licensed, there will also be guidance on how to deal with requests for additional events when the prescribed quota for the number at a venue has already been reached.

2.10 Other venues may wish to apply for an Outdoor Entertainments Licence and can be added to the guidance information in due course.

2.11 Discussions at post event meetings will afford organisers and promoters the opportunity to comment on the guidance documents. This can be reported to Committee to enable you to make any necessary amendments required to refine and complete the guidance documentation.

2.12 It is proposed that the guidance and supporting documents will be available online for prospective promoters and organisers wishing to hold events in Belfast.

2.13 Copies of the draft guidance document, the revised spreadsheet, associated location map and proposed assessment sheets have been circulated to the Committee.

2.14 Consideration of Assessment Sheets

In order to populate the spreadsheet of outdoor sites each must be considered by Committee in turn as the licence for the site falls due for renewal.

2.15 A number of applications to renew Outdoor Licences are currently pending and are held subject to consideration at your meeting of the assessment sheet for each of them. If Members are content with the format and relevant information provided on each assessment sheet the licence will be renewed, as provided for in the Council's Scheme of Delegation, as none are the subject of objections. The spreadsheet of outdoor venues will then be updated and the assessment sheets will be incorporated into the guidance documentation.

2.16 The assessment sheets which the Committee is requested to approve relate to the following:

<u>Department of Social Development (DSD)</u>

1. **Custom House Square**
2. **Writers Square**
3. **Cotton Court**
4. **Donegall Quay, Lagan Lookout & Lagan Weir**
5. **Bank Square**

<u>Parks & Leisure Department</u>

1. **Boucher Road Playing Fields**
2. **Falls Park**
3. **Ormeau Park**
4. **Botanic Gardens**
5. **Woodvale Park**

6. **Waterworks Park**
7. **Alexandra Park**
8. **Cathedral Gardens**
9. **Grove Playing Fields**

<u>Others</u>

1. **Holy Cross Boys' Primary School – Brookfield Street**

2.17 Members may recall that applications to renew the Outdoor licences for Boucher Road Playing Fields and Custom House Square were granted at your meeting of the 18th June.

2.18 As reported to the Committee at your meeting on 16th April, 2014 the promoters who hold events in Custom House Square have advised the Service that they would not be keen to hold them in another location, particularly those which are now regular events on the social calendar and synonymous with the venue.

2.19 Officers of the Service are endeavouring to identify suitable alternative venues within the City Centre and will liaise with the Council's Events Unit as part of this process. The matter is also being discussed with perspective promoters to look at viable alternative sites.

2.20 Two other venues, namely Drumglass Park and Holy Cross Boys School, are being presented to you for consideration in separate reports at this meeting. If Members are minded to grant these Licences they will then also be added to the spreadsheet and their assessment sheets will be incorporated into the guidance documentation.

2.21 It is envisaged that the Guidance will be fully implemented next year and as a result we propose to present further updates over the coming months as various Outdoor Licences fall due for renewal.

2.22 The proposed Assessment Sheets for the abovementioned venues, which will be included with the Guidance Document on Outdoor Events, have been circulated to the Committee.

Other points for consideration

2.23 How to make areas remote from the city centre more appealing
Promoters have advised the Service that venues such as Giants Park are not an attractive or viable location for them. However we will continue to work with the relevant Department

to consider if any improvements could be made to address this issue.

2.24 Informing residents of events

Officers of the Parks and Leisure Department have agreed that they will now notify all local residents of an event, if it is considered to be significant in size, which is being held within a Parks and Leisure venue.

2.25 The Building Control Service has also included another article in the summer edition of City Matters magazine in order to raise awareness about proposed outdoor events being held in Belfast.

2.26 Officers will also notify Members and local Community Groups about major events in their area.

2.27 Local Government Reform

Officers of the Service are currently liaising with Lisburn and Castlereagh Councils to identify any potential outdoor sites that will be transferring to Belfast. If necessary these will be placed before you next year for consideration and inclusion with the guidance accordingly.

2.28 It is also the case that a number of sites currently licensed by the DSD, including Custom House Square, will be transferring to Belfast as part of the Reform process.

3 <u>Resource Implications</u>

<u>Financial</u>
3.1 This provision will be catered for within existing budgets.

<u>Human Resources</u>
3.2 None

<u>Assets and other Implications</u>
3.3 None

4 <u>Equality and Good Relations Implications</u>

4.1 There are no equality and good relations issues.

5 Recommendations

5.1 The Committee is requested to consider the information presented and to agree and amend as necessary:

i). the Guidance Document on Outdoor Events

ii). any/all of the attached assessment Sheets for Outdoor Entertainment venues."

After discussion, the Committee approved the Guidance Document on Outdoor Events, together with the Assessment Sheets for outdoor entertainments venues. The Committee noted that the Head of Building Control would raise with the Development Department the renewal of the Seven-day Annual Outdoor Entertainments Licence for the Giant's Park with a view to attracting future events to that venue.

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 Council's Scheme of Delegation.

Application for the Grant of a Seven-day Annual Outdoor Entertainments Licence – Drumglass Park, Lisburn Road

The Committee deferred consideration of the above-mentioned application to enable discussions to take place between the Building Control Service, the Parks and Leisure Department (the applicant), Elected Representatives for that area and the local community around issues such as the nature of events to be held, the preferred number of patrons and finishing times.

Application for the Renewal of a Seven-day Annual Outdoor Entertainments Licence – Holy Cross Boys' Primary School, Brookfield Street

The Committee was reminded that, at its meeting on 18th June, it had considered an application from the Ardoyne Fleadh Project for the renewal of a Seven-day Annual Outdoor Entertainments Licence for the Holy Cross Boys' Primary School. In addition, the applicant had sought permission to operate till midnight on each night of this year's Fleadh, which was due to be held from 22nd till 24th August. That was one hour later than was permitted on an Outdoor Entertainments Licence. It had been pointed out at the meeting that, whilst no written representation had been received in relation to the application, a response had yet to be received from the Police Service of Northern Ireland. Accordingly, the Committee had agreed to defer consideration of the renewal of the Licence until that had been received but had granted the application for the additional hours under the current Licence.

The Head of Building Control informed the Members that the Police Service of Northern Ireland had since confirmed that it had no issues with the Entertainments Licence being renewed and added that the Northern Ireland Fire and Rescue Service had offered no objection. The Council's Environmental Protection Unit had advised that it would comment on each event upon the receipt of the relevant information, including a Noise Management Plan. He pointed out that the Building Control Service would, in advance of an event taking place, hold meetings with the relevant agencies, including the Police Service of Northern Ireland and the Northern Ireland Fire and Rescue Service, in order to review documentation submitted by organisers and to ensure that all health and safety requirements were met.

During discussion, a Member pointed out that the Holy Cross Boys' Primary school was situated within a residential area and drew the Committee's attention to issues which had arisen in previous years, particularly around excessive noise and anti-social behaviour. He highlighted also the inappropriate content of some of the songs which had been played, which he argued had contributed to raising tensions at a nearby interface. He reminded the Members that an officer of the Police Service of Northern Ireland had been subject to disciplinary action arising from information which he had, in June, 2013, provided to the Committee in relation to that year's event. The Member stated that he had been informed by a senior officer within the Police Service that the aforementioned officer had played no part in the decision-making process this year. However, it had been evident from a reference made to that officer within an email, which had been forwarded by the Police Service to the Council offering no objection to this year's application, that that had not been the case.

A further Member highlighted the fact that the Fleadh was an important event for the residents of the Ardoyne area and pointed out that admission to all events was free of charge.

After further discussion, it was

Moved by Councillor Ó Donnghaile,
Seconded by Councillor M.E. Campbell,

That the Committee, in its capacity as Licensing Authority, agrees to grant a renewal of a Seven-day Annual Outdoor Entertainments Licence in respect of Holy Cross Boys' Primary School, Brookfield Street.

On a vote by show of hands nine Members voted for the proposal and seven against and it was accordingly declared carried.

The Committee agreed also that a senior representative of the Police Service of Northern Ireland be invited to attend a future meeting in order to discuss issues around representations made by the Police Service in relation to licensing applications.

Application for the Renewal of a Seven-Day Annual Entertainments Licence/Review of Hours Granted – The Menagerie, 130 University Street

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, based upon the Council's standard conditions to provide dancing, singing or music or any entertainment of a like kind. The Head of Building Control reminded the Committee that, at its meeting on 20th November, 2013, it had agreed to vary the Entertainments Licence for a period of six months, which meant that entertainment could take place till 2.00 a.m. on Friday and Saturday nights. The licensee had sought the variation in order to enable the premises to compete commercially with others across the City which operated to that time.

He reported that no written representation had been lodged in respect of the application for the renewal of the Licence and that the Police Service of Northern Ireland had offered no objection. Officers from the Building Control Service had, since November, 2013, undertaken two inspections of the premises whilst entertainment had been in progress, neither of which had revealed breaches of the Entertainments Licensing legislation. In addition, the Council's Environmental Protection Unit had received no complaints during that period. He suggested that, should the Committee be minded to renew the Licence, it might wish to take into account the aforementioned factors in deciding if the additional hours which it had granted for six months in November, 2013 should be retained.

The Committee, agreed, in its capacity as Licensing Authority, to grant a renewal of a Seven-day Annual Entertainments Licence in respect of The Menagerie, 130 University Street, with entertainment being permitted to take place in future till 2.00 a.m. on Friday and Saturday nights.

Application for the Renewal of a Seven-day Annual Entertainments Licence/Review of Hours Granted – Errigle Inn, 312-320 Ormeau Road

The Head of Building Control informed the Members that an application had been received for the renewal of a Seven-day Annual Entertainments Licence in respect of the above-mentioned premises, based upon the Council's standard conditions to provide dancing, singing or music or any entertainment of a like kind. The Head of Building Control reminded the Committee that, at its meeting on 11th December, 2013, it had agreed to vary the Entertainments Licence for a period of six months, which meant that entertainment could take place till 2.00 a.m. on Friday and Saturday nights and on Bank Holidays. The licensee had sought the variation in order to enable the premises to compete on an equal basis with others across the City which operated to that time.

He confirmed that no written representation had been lodged in respect of the application for the renewal of the Licence and that the Police Service of Northern Ireland had offered no objection. Officers from the Building Control Service had, over the course of the past year, undertaken two inspections of the premises whilst entertainment had been taking place, neither of which had revealed breaches of the Entertainments Licensing legislation and the Council's Environmental Protection Unit had received no

complaints during that period. He suggested that, should the Committee be minded to renew the Licence, it might wish to take into account the aforementioned factors in deciding if the additional hours which it had granted for six months in December, 2013 should be retained.

The Committee agreed, in its capacity as Licensing Authority, to grant a renewal of a Seven-day Annual Entertainments Licence in respect of the Errigle Inn, 312-320 Ormeau Road, with entertainment being permitted to take place in future till 2.00 a.m. on Friday and Saturday nights and on Bank Holidays.

Revocation of a Stationary Street Trading Licence – Berry Street

The Committee was reminded that, at its meeting on 16th October, 2013, it had agreed to grant to Ms. M. Szczesna a Stationary Street Trading Licence to sell various goods from a traditional market stall in Berry Street, 46 feet from its junction with Royal Avenue. The Committee was reminded further that, at its meeting on 18th June, it had been advised that, shortly after that Licence had been granted, the Department for Social Development had commenced redevelopment works in Bank Square, which had necessitated the use for approximately three months of Berry Street for access purposes. As a result, Ms. Szczesna had been unable to utilise her site for that period of time and, despite being offered a number of alternative locations, had chosen not to trade. It had been pointed out that she had not returned to Berry Street once it had become available again and, in addition, had failed to pay the Licence fee to cover the period from then until its expiry in December, 2014, which amounted to £254.25. She had failed also to respond to telephone calls, emails or letters from Council officers seeking to discuss the matter.

As a consequence, the Committee had, on 18th June, agreed that it was minded to revoke the Stationary Street Trading Licence held by Ms. Szczesna on the grounds, as set out within Section 10 (1) of the Street Trading Act (Northern Ireland) 2001, that she had, without reasonable explanation, failed to avail herself to a reasonable extent of her Licence and to pay fees or charges due to the Council.

The Head of Building Control reported that Ms. Szczesna had been informed of the Committee's decision and that, in line with the aforementioned Act, she had been afforded an opportunity to either make representation to the Council or attend a future meeting in person. However, she had not contacted the Council to advise of her intention and her debt had now risen to £423.75.

After discussion, the Committee agreed to affirm its decision of 18th June to revoke the Stationary Street Trading Licence held by Ms. Szczesna for a designated site in Berry Street, 46 feet from its junction with Royal Avenue.

The Committee noted that Ms. Szczesna could, within twenty-days of being notified by the Council of that decision, submit an appeal to the Belfast Magistrates' Court.

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Revocation of a Mobile Street Trading Licence – Malone/Ormeau/Skegoneill/Windsor

The Head of Building Control reminded the Committee that, at its meeting on 19th March, it had agreed that it was minded to revoke the Mobile Street Licence held by Mr. T. Horner permitting him to trade in the Ormeau, Malone, Skegoneill and Windsor areas. The Committee had been advised that Mr. Horner had, upon being granted his Licence in 2011, agreed to pay the associated fee on a monthly basis. However, over the subsequent period, his account had fallen into arrears, which had led to the Committee's decision to revoke the Licence. He reminded the Committee further that, at its meeting on 18th June, it had been advised that Mr. Horner had since reduced his arrears significantly and, in view of that, it had agreed to defer consideration of the matter for a period of two months to enable him to pay the remainder of the outstanding debt. That had now been paid in full.

After discussion, the Committee agreed to rescind its decision of 19th March to revoke the Mobile Street Licence held by Mr. T. Horner permitting him to trade in the Ormeau, Malone, Skegoneill and Windsor areas. The Committee agreed also that Mr. Horner be permitted to continue to pay his Licence fee on a monthly basis and that it receive an update on the status of his account in six months' time.

Application for the Renewal of a Stationary Street Trading Licence – Berry Street

The Committee was advised that an application had been received from Mr. M. Gulusen for the renewal of a Stationary Street Trading Licence for a designated site in Berry Street, 36 feet from its junction with Royal Avenue. The Head of Building Control reported that Mr. Gulusen had initially been granted a Licence in 2005. However, the Committee, at its meeting on 20th October, 2010, had, based upon information relating to a number of licence infringements, agreed not to renew the Licence. Mr. Gulusen's subsequent appeal of that decision had not been heard by the Magistrates Court as the time limit governing that process had elapsed.

He reminded the Committee that, on 26th September, 2011, it had considered a new application from Mr. Gulusen who, at that meeting, had, together with his legal representative, provided assurances around his future conduct should his Licence be granted. The Committee had approved the application on that basis and had stipulated that handmade leather items should be the prominent goods being offered by him for sale. On 21st November, 2012, the Committee, in considering the renewal of the Licence, had been advised that Mr. Gulusen had requested to sell additional commodities and to trade from a custom made trailer type stall. The Committee had agreed to renew the Licence and to extend the list of commodities to be sold, on condition that leather goods make up 50% of that list. It had approved also the use of the trailer, subject to it being removed from the site at the end of each day's trading.

The Head of Building Control informed the Members that, since 2012, Mr. Gulusen had continued to breach the conditions of his Licence and that he had failed consistently to cooperate with Council officers. He confirmed that complaints had been received from a business located on the junction of Berry Street and Royal Avenue advising that his trailer was being left in Berry Street overnight and that he was

operating in front of the premises, some distance from his designated site. Complaints had been received also from the Roads Service and from members of the public regarding Mr. Gulusen's failure to remove his trailer, which had been evidenced over a number of months by Council officers. The officers had confirmed also that Mr. Gulusen had been trading away from his designated site and that he had not been offering for sale any leather goods, as required under the terms of his Street Trading Licence. In addition, he had continued to trade despite failing to make payment to the Council for the use of a subsistence licence whilst his application was being processed.

During discussion, several Members highlighted the fact that Mr. Gulusen had consistently flouted the conditions of his Street Trading Licence and that the Committee had, over the years, given him every opportunity to operate and to enhance his business. The point was made that, should the Licence be renewed, it would convey a negative message to other traders who operated in accordance with the Street Trading (Northern Ireland) Act 2001.

Accordingly, the Committee agreed, in its capacity as Licensing Authority, that it was minded to refuse the application submitted by Mr. M. Gulusen for the renewal of a Stationary Street Trading Licence for Berry Street, 36 feet from its junction with Royal Avenue, on the discretionary grounds as set out in Section 9 (1) (c) of the Street Trading Act (Northern Ireland) 2001, in that he was, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a Street Trading Licence.

The Committee was advised that, as a consequence of its decision, the applicant would be notified that, under Section 12 (2) (b) of the aforementioned Act, he would be permitted to make representation, in writing, to the Council, with such representation to be made not less than twenty-one days from the date of notice. Should such representation be made, he would be permitted, prior to the Committee deciding on the matter, to address a future meeting.

Application for the Grant of a Sex Establishment Licence – 2/8 Gresham Street

The Committee agreed that a special meeting be held to consider an application for the grant of a Sex Establishment Licence at the above-mentioned location and that the applicant, together with any objectors, and/or their representatives be invited to attend.

Chairman