



Subject:	Reconsideration of Designating Resolution for Street Trading Sites at Writers Square, Annadale Embankment and King Street
Date:	16 August 2023
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext 2435
Contact Officer:	James Cunningham, Senior Licensing Officer, 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 checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	Under the provisions of the Street Trading Act (NI) 2001 a district council has powers to designate and rescind the designation of specific streets or parts of streets as being suitable for street trading. The Act also allows a council to vary a previous designating resolution in relation to the commodities or services to be supplied in specific streets.
1.2	If a street or the commodity to be offered has not been designated under the Act the Council cannot issue a licence for street trading from a stationary position in that street.
1.3	The process of considering and reviewing the designation of streets is therefore an essential part of the legal framework within which the Council is enabled to regulate street trading in the City.

1.4	Committee will recall that, at your meeting of 15 February this year, you granted approval to initiate the statutory process for the designation of 6 sites at Writers Square and 1 site at Annadale Embankment, which had been identified as a result of expressions of interest received from individuals wishing to trade from new sites. In addition, a previous decision by the Committee to refuse to designate a site in King Street is being reconsidered.
2.0	<u>Recommendations</u>
2.1	<p>Based on the information presented the Committee is requested to reconsider each proposal in turn (A-C below) and to:</p> <ol style="list-style-type: none"> 1. Approve a Designating Resolution to designate the whole street or part of the street (site/s), where it may allocate street trading pitches. The Designating Resolution will include the operational date and may stipulate either: <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>OR</p> <ol style="list-style-type: none"> 2. Decide not to proceed with any or all of the proposals.
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.
2.3	Members are reminded that once the site becomes designated you will subsequently have to consider any applications that may be received for a Street Trading Licence on any of the sites.
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, potential nuisance, etc.
3.0	Main report
3.1	<p><u>Key Issues</u></p> <p>The designation process involved seeking comments from interested parties, including relevant statutory bodies, through public advertisement and consultation.</p>
3.2	<p>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> <ol style="list-style-type: none"> a) PSNI, and b) Department for Infrastructure - Roads.
3.3	The Council may also consult other persons as it considers appropriate. Such consultees may include local residents, business and commercial premises in the vicinity of the site in respect of which the application has been received.

3.4	The purpose of this report is to enable the Committee to consider the proposal in conjunction with the submissions received and make a decision on whether or not to designate the site.
3.5	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 are also attached to this report for your information as Appendix 1 and location maps at Appendix 2.
A. <u>Writers Square (6 sites)</u>	
3.6	The proposal is for Commodities to be determined.
3.7	The Department for Communities own the square and have made the proposal. Any subsequent applicant for a Street Trading Licence will first require agreement from the DfC to use the Square. DfC want to encourage a range of commodities such as arts and crafts, fresh food, hot and cold non – alcoholic beverages. There will be no late night trade.
3.8	DfC has discussed their proposal with Destination CQ Business Improvement District (BID) Board and it has their support.
Police Service of Northern Ireland	
3.9	Police have no objection and note that among the commodities being proposed are arts and crafts, fresh food, hot and cold non – alcoholic beverages and acknowledge that no night time hot food traders sites are being considered.
DFI Roads	
3.10	The Department have no objection to the proposal.
Published 28 day Notice	
3.11	No responses were received to the public notice.
B. <u>Annadale Embankment in layby</u>	
3.12	The proposal is for hot and cold non-alcoholic beverages, confectionery, ice cream and cold food or similar commodities.
Police Service of Northern Ireland	
3.13	Police have no objection and acknowledge that no night time hot food traders sites are being considered.
DFI Roads	
3.14	The Department have no objection to the proposal.
Published 28 day Notice	
3.15	No responses were received to the public notice.
C. <u>King Street, second parking bay moving away from Castle Court.</u>	
3.16	The proposal is for a site to trade in hot and cold food and non-alcoholic beverages at night time.
<u>Background</u>	
3.17	Committee will recall that they previously agreed to consider a request from Councillor McCusker that the Committee reconsiders their decision, of 10 March 2021, to refuse to designate a proposed new street trading site in King Street.

3.18	In seeking to have the decision of 10 March 2021 reconsidered Councillor McCusker had provided some additional information where the designation applicant had offered to provide security at the proposed trading site on the nights he would be operating.
3.19	Committee is reminded that, at your meeting on 10 March 2021, it was agreed that, based on the information presented, including concerns which had been raised by both the PSNI and Belfast City Centre Management, that the Committee refused the proposal for a site to trade in hot and cold food and non-alcoholic beverages at night-time, at the second parking bay, moving away from Castle Court, on King Street.
3.20	The minute of your meeting of 10 March 2021 is included as Appendix 3 to this report.
3.21	Members are reminded that the designation process is about the principle of a street trading pitch being at the location. Matters regarding the suitability of a particular person, the stall and the ability to manage the site are considered as part of the licensing process.
3.22	The person requesting a site to be designated, is merely a 'trigger' for the process and they may not be the person who is ultimately granted the Street Trading Licence to operate at the site. Members are reminded that on occasions the Committee has considered multiple competing licence applications for street trading sites.
3.23	For Members information, the Council has previously considered a number of sites for the sale of hot food at night-time and determined that these sites will not be designated, including another site in King Street. <ul style="list-style-type: none"> • King Street (outside number 50) • Franklin Street – forty-five feet from its junction with Brunswick Street • Dunbar Street – forty-five feet from its junction with Dunbar Link • Ormeau Avenue (outside numbers 17 and 19) • Ormeau Baths Gallery (grounds of), at its junction with Apsley Street • Arran Street at number 26 • Waring Street at number 23-31 • Gordon Street, at junction with Dunbar Street beside metal artwork • Bridge Street, in lay-by outside 12-16 Bridge Street • Donegall Street, in parking bay near the junction with Waring Street <p><u>Current consultation</u></p>
3.24	The Service has received responses to the re-consultation from the PSNI and DfI Roads.
3.25	<p>Police Service of Northern Ireland</p> <p>The police continue to have concerns about the potential for disorder in and around the immediate area of the proposed site location. There is the potential for crowds gathering and loitering in unmanaged queues possibly spilling out onto the main road or causing added anti-social behaviour.</p> <p>DFI Roads</p>
3.26	The Department have no objection to the proposal.
3.27	<p>Belfast City Centre Management</p> <p>BCCM had previously commented that King Street is already a busy location for vehicular traffic with a taxi depot and the West Belfast Taxi Association Terminal and Tourist Information Desk located here. BCCM believed the introduction of a hot/cold food stall to the area would encourage crowds to gather in the evening and this would pose a major health and safety concern for both pedestrian and vehicle traffic. BCCM's experience had shown</p>

<p>3.28</p> <p>3.29</p> <p>3.30</p> <p>3.31</p>	<p>hot food stalls introduced to an area has resulted in an increased level of anti-social behaviour, particularly at night time, which is the proposed trading hours for this location.</p> <p>No update was provided from BCCM, following the cessation of their core funding from the Department for Communities for the engagement and facilitation roles they had carried out in the city centre.</p> <p>Published 28 day Notice</p> <p>No responses were received to the public notice.</p> <p><u>Financial and Resource Implications</u></p> <p>The cost of all notices is included in current revenue 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>Appendices – Documents Attached</p>
	<ul style="list-style-type: none"> • Appendix 1 – Copies of correspondence received. • Appendix 2 – Location maps. • Appendix 3 – Minute of Licensing Committee meeting of 10 March 2021.