



Subject:	To consider a Temporary Street Trading Licence for Donegall Place.
Date:	16th January, 2019
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	James Cunningham, Regulatory Services Manager, ext 3375

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

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

1.0	Purpose of Report or Summary of main Issues
1.1	Following the Bank Buildings fire in August a number of businesses in the immediate area were not able to trade due to the very dangerous condition in which the building was left. City Picnic, a burger restaurant, situated in Unit 5 McAuley House, 2-6 Castle Street has been one of those affected businesses, they still remain displaced from their premises and will remain so for a number of months to come.
1.2	As part of an assistance package from the Council City Picnic have been trading from a trailer as part of the Christmas Continental Market on Donegall Place. This was facilitated under the Council's Market Rights.
1.3	As the Market has now stopped trading, the only other mechanism that is available to permit lawful trading is through the granting of Temporary Street Trading Licences.

3.8	There is however, no prohibition on a new applicant applying for a Temporary Licence to allow trade to continue after the 5 Temporary Licences have expired.
3.9	The restrictions on the frequency and duration of Temporary Licences represent a balance between the number of days when special events/occasions may occur and the need to prevent an unreasonable level of trading in an area, which may not have been designated.
3.10	Members may be aware that the Council, through the Health and Environmental Services Committee, had previously agreed a Policy in 2001 with respect to the granting of Temporary Licences.
3.11	Applications to permit Temporary Street Trading are normally only permitted at special events such as Christmas Lights Switch-on, New Year's Eve, Halloween Events, Festival & Civic Events, Community Organised Events and Cultural Parades/Events.
3.12	The Committee is however entitled to depart from its usual policy where there are exceptional circumstances, which would warrant it to do so.
3.13	It is also important that the holder of a Temporary Licence should not have an unfair advantage over the holder of a full-term licence who may only trade in designated streets.
	<p>Extenuating Circumstances</p>
3.14	In considering this application, Members may wish to have regard to the exceptional circumstances relating to the Primark fire that have led to extreme financial and emotional hardship for the owners of City Picnic (and others) who were unable to operate at all for a number of weeks and had to lay off staff as a result.
3.15	It is also the case that as soon as the remedial works to Bank Buildings are complete City Picnic intend to return to their existing premises and resume trading. The latest indications from Primark are that Castle Street should be accessible to the public by Easter and we would expect City Picnic to be open and trading again by the end of April at the latest.
	<p>Application</p>
3.16	<p>Mr Gavin Gregg of City Picnic has applied to sell hot and cold food and non-alcoholic beverages from a catering trailer. His proposed hours of operation are as follows:</p> <ul style="list-style-type: none"> • Monday to Sunday - 24 hours a day.
	<p>Consultation</p>
3.17	DfI Roads, PSNI, Belfast One, Belfast City Centre Management have been asked for their views on the proposal. At the time of writing this report responses had only been received from DfI Roads, PSNI and Eason.
3.18	DfI Roads and the PSNI have no objections to the proposals. (Attached as Appendix 1)
3.19	<p>Eason are located in 40-46 Donegall Place and have the City Picnic hot food van outside their premises. They have indicated that they are not in support of the application and have raised a number of points attached as Appendix 2. These include:</p> <ul style="list-style-type: none"> • Eason's believed the street would have been cleared of all pre-Christmas trading.

	<ul style="list-style-type: none"> • They have a coffee shop in their store that serves hot food and its owner, who is also an independent trader, already has difficulty trading with M&S and Next also having coffee shops. • It seems strange that this Van is not located in a place where there are not as many food outlets. <p>Fee</p> <p>3.20 The Council's Economic Development Division of the Place and Economy Department have agreed that they will pay the Licence fees required for the duration of the applicant's stay at this location given the exceptional circumstances the applicant finds himself in. Depending on the success of the continued trading and the ongoing works at the Primark Building, the applicant may require up to 10 Temporary Street Trading Licences at a cost of £5,000. Members are asked to consider waiving the fee on this occasion, as the payment is an internal Council transaction.</p> <p>Delegated Authority</p> <p>3.21 Members are reminded that the normal process for dealing with a Temporary Street Trading Licence application, which is not the subject of objections is that the Director of Planning and Building Control will grant the Licence as provided for in the Council's Scheme of delegation. This application is before Committee as it is contrary to the Committee's current policy position in that it would permit trading in areas where street trading is not usually permitted and also involves the sale of hot food in the city centre.</p> <p>3.22 If Committee agree to grant the Licence for 7 days, it is requested that delegated authority be granted to the Director of Planning and Building Control to impose Conditions and grant any subsequent applications made by the applicant.</p> <p><u>Financial and Resource Implications</u></p> <p>3.23 If the Committee is of the mind to grant the applicant a Street Trading Licence, the fee is as follows:</p> <ul style="list-style-type: none"> • Application Fee of £180, and • A Licence fee, for Monday to Sunday £320. <p>3.24 The fees will be met from the existing budget of the Council's Economic Development Division.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>3.25 There are no issues associated with this report.</p>
4.0	Appendices – Documents Attached
	<ul style="list-style-type: none"> • Appendix 1 – DfI Roads and PSNI Comments • Appendix 2 – Eason comments