

Licensing Committee

Wednesday, 20th March, 2019

MEETING OF LICENSING COMMITTEE

Members present: Councillor O'Hara (Chairperson);
Alderman L. Patterson, and
Councillors Boyle, Clarke, Garrett, Groves, Heading,
Hussey, Magennis, and Nic Biorna.

In attendance: Mr. S. Hewitt, Building Control Manager;
Mrs. N. Largey, Divisional Solicitor;
Mr. J. Cunningham, Regulatory Services Manager; and
Miss C. Donnelly, Democratic Services Officer.

Apologies

Apologies for inability to attend were reported on behalf of Alderman Copeland and Councillors Hutchinson and McReynolds.

Minutes

The minutes of the meeting of 20th February were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 4th March, 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.

Delegated Matters

THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE OF THE POWERS DELEGATED TO IT UNDER STANDING ORDER 37(d)

Applications Approved under Delegated Authority

The Committee noted a list of licences and permits which had been issued under the Council's Scheme of Delegation.

Application for the Variation of the Stationary Street Trading Licence at Castle Place, opposite Donegall Arcade to allow the sale of Bus Tour Tickets

The Committee was reminded that, at its meeting on 19th September 2018, it agreed to vary the Designating Resolution to allow for the sale of bus tour tickets on condition that any resulting applications to sell bus tour tickets would be considered by the Committee and, if approved, be granted on a one-year trial basis.

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The Building Control Manager informed the Members that Under Section 11 of the Street Trading Act (NI) 2001, the Council may at any time vary the Conditions specified in a Street Trading Licence where an application is made under Section 5 by the Licence holder.

He informed the Committee that Mr. J. Rea had applied to vary his Street Trading Licence for the site in Castle Place opposite Donegall Arcade to include the sale of bus tour tickets.

The Building Control Manager reported that Mr. Rea was licenced to trade Monday to Saturday from 8am to 9pm and on Sunday from 10am to 6pm to sell flowers, plants, arts and crafts, floral accessories, fruit and vegetables. He pointed out that Mr. Rea was a long standing trader and had two other Street Trading Licenses both in Castle Lane.

After discussion, the Committee agreed to grant and approve the variation to the Street Trading Licence on a one-year trial basis.

Non-Delegated Matters

Road Closures – Review of Fees

The Committee considered the following report:

“1.0 Purpose of Report or Summary of main Issues

Committee will recall that, at your meeting of 20 November 2018, you considered a report on road closures for special events and the cost to administer the scheme. You agreed that Officers would submit proposals for revised fees for special events to a future meeting.

2.0 Recommendations

Members are asked to consider the fee for each of the 6 application types and decide, for each of those types, whether:

- 1. To continue to charge the current fee; or**
- 2. Set a revised fee for that application type.**

As these decisions are not a delegated function of the Licensing Committee any decision will be subject to ratification by Council.

3.0 Main report

Key Issues

Committee will recall that, at your meeting in April 2018, you agreed the fees, classification of events and the newspapers that the Statutory Notice is published in for road closures.

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It was agreed that city centre applications are advertised in either the Belfast Telegraph, Daily Mirror (Northern Ireland edition), Irish News or Newsletter (Ulster edition) on a rotational basis. Where a special event extends beyond the city centre to various areas of the city, such as the Belfast Marathon, then the Notice is also placed in one of the four main newspapers.

When the event is outside the city centre, the notice is advertised in a local newspaper circulating in that area. This has proven to be problematic, in that some local newspapers are only published on a fortnightly basis and often applications for local events are received at short notice meaning that the advert has had to be placed in a main newspaper, thus resulting in additional expenditure.

Where it has been possible applications for multiple road closures have been combined into one notice to help reduce advertising costs.

The Council has received 37 applications since April 2018 to close or restrict roads. Below is a summary of the events as per the agreed classification.

- Small event: 2
- Large event (City centre): 14
- Large event (Outside City centre): 9
- Commercial runs including triathlons: 6
- Commercial runs, reduced fee (charity): 1
- Club runs: 5

The following table shows an overview of the total income and expenditure related to processing 37 Road Closure Orders to date.

| Fee Income | Notice cost | Officer cost | Expenditure | Deficit |
|-------------------|--------------------|---------------------|--------------------|----------------|
| £21,325.00 | £23,912.58 | £16,490.67 | £ 40,403.25 | -£19,078.25 |

Review of fees

Members are advised that not all 37 applications have been fully completed and, since April 2018, 29 Orders for 42 events have been made.

To review the fees those 29 applications where the Council has made an Order have been used in the expenditure calculations. For each of these we have recorded officer time spent on each application and the cost of the public Notice (which will vary for

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each application) to provide the cost of processing the different types of application as set out below.

| Application Type (Number of) | Total Cost | Current fee | Average processing cost |
|-------------------------------------|-------------------|--------------------|--------------------------------|
| Large event (City centre) (11) | £16,102.02 | £1000 | £1,463.82 |
| Large event (Outside centre) (8) | £6,294.88 | £650 | £786.86 |
| Large running event (4) | £6,697.04 | £1000 | £1,674.26 |
| Large running event - charity (1) | £2,598.95 | £125 | £2,598.95 |
| Club run (3) | £2,413.50 | Free | £804.50 |
| Small local event (2) | £2,003.68 | Free | £1001.84 |

Committee is asked to note the costs in comparison to fee income. In particular, the high cost of processing the large running type events has been due to the complexity of the number of roads to be closed or restricted, which required large Notices being placed in the newspapers.

Members will also be mindful of the need to balance the benefit many of these road closures have had for local communities and sports clubs.

It is suggested that Members consider each of the application types in turn and decide if you wish to amend the fee for each bearing in mind the costs associated with processing that type of application.

Financial and Resource Implications

There are direct financial costs attached to the administration of the Act by the Council and, whilst fees have been set, the cost to administer the scheme is only partially recovered from applicants based on our information to date.

**Equality or Good Relations Implications/
Rural Needs Assessment**

There are no equality or good relations issues associated with this report.”

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The Building Control Manager gave the Committee a brief overview of the report and pointed out that there was an error in the report, within the table of the costs of processing different types of applications, in that the total cost for large running events should have been £8371.32 and the average processing cost for this should have been £2092.83.

The Members agreed that there would be no change to the Road Closure fees at present and that a report be brought back before the Committee with further information on newspaper advertising charges, options for revised fees in light of actual costs to process applications and the views of organisations that apply for the closure of roads on any proposed revised fees.

Chairperson