



Subject:	Consideration of Designating Resolutions for Street Trading Sites
Date:	11th December, 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	Members will recall that, at your meeting of 19 June this year, the Committee granted approval to initiate the statutory process for the designation of a new street trading site at the entrance into Victoria Square from Ann Street for the sale of hot and cold food and non-alcoholic beverages or similar commodities.
1.2	At that meeting the Committee also granted approval to initiate the statutory process for the rescinding of the designating resolution for the 3 Designated sites at Queen's Quay.
2.0	<u>Recommendations</u>
2.1	Based on the information presented the Committee is requested to consider each proposal in turn and to decide whether to:
2.2	A) New designation

<p>2.3</p> <p>2.4</p> <p>2.5</p> <p>2.6</p>	<p>1. Approve a Designating Resolution to designate the entrance into Victoria Square from Ann Street for the sale of hot and cold food and non-alcoholic beverages or similar commodities. The Designating Resolution will include the operational date, or</p> <p>2. Decide not to proceed with the proposal.</p> <p>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.</p> <p>Members are reminded that once the site becomes designated the Council will subsequently have to consider any applications that may be received for a Street Trading Licence.</p> <p>At that time, an assessment will be made of the suitability and quality of the proposal 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, and potential nuisance, etc.</p> <p>B) Rescinding of designation</p> <p>1. Approve the rescinding of the Designating Resolution for Queen’s Quay and include the operational date, or</p> <p>2. Decide not to proceed with the proposal.</p>
<p>3.0</p>	<p>Main report</p>
<p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p> <p>3.5</p>	<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> <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> <p>a) PSNI, and</p> <p>b) Department for Infrastructure - Roads.</p> <p>The Council may also consult other persons as it considers appropriate. Such consultees may include:</p> <p>a) Belfast City Centre Management Company (BCCM)</p> <p>b) Local residents, business and commercial premises in the vicinity of the site in respect of which the application has been received.</p> <p>Subsequently, the Service has received responses to the applications from a variety of interested parties and individuals.</p> <p>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 or rescind the sites.</p> <p><u>A) Designation of new Site</u></p>

3.6	Victoria Square Management have applied to the Council requesting that a site, measuring 14ft by 15ft, is designated on their land at the entrance into Victoria Square from Ann Street for the sale of hot and cold food and non-alcoholic beverages or similar commodities.
3.7	A map of the proposed site is attached as Appendix 1.
3.8	Committee may wish to note that the Act applies to land which is privately owned, if the public have access to it.
3.9	<p>Police Service of Northern Ireland</p> <p>The police have offered no objection to the proposal.</p>
3.10	<p>DFI Roads</p> <p>The Department have advised that this location is not part of the adopted road network and consequently they have no objection to the application. However, it is likely that patrons queuing at the stall will cause an obstruction of the footway, taking into account the density of pedestrians expected during its hours of operation and the presence of existing street furniture.</p>
3.11	<p>Belfast City Centre Management</p> <p>BCCM state there are already a number of businesses in the vicinity of Ann Street which all sell similar items.</p>
3.12	<p>Commerz Real</p> <p>Commerz Real is the landowner of Victoria Square and have confirmed they have no objection to the proposal.</p>
3.13	<p>Boojum – Victoria Square at the Ann Street entrance.</p> <p>They have objected to the proposal because:</p> <ul style="list-style-type: none"> • They have an existing exclusivity agreement with the Landlords of Victoria Square Shopping Centre which is in place to protect their business against competition in and around the space that is being proposed for designation. • Designating a new site for the sale of hot and cold food and non-alcoholic beverages in this location brings direct competition. They believe there will be no control over the business, which could be direct competitors, discounting on the same products or even something that is not well managed, and this would reduce footfall. • They pay substantial occupational costs including rates as part of their unit. • They have existing sight lines from Ann Street to their front door which is crucial to customers knowing where they are. The proposed location will severely diminish that and have an impact on their trade. Shopping Centre customers sit and relax in this location and that will be taken away.
3.14	<p>In response to this objection Victoria Square Management have confirmed there is an exclusivity agreement with Boojum, however, it only relates to Mexican fast casual dining, and it expires in February 2020. It is also never their intention to introduce a direct competitive offer with any of their tenants, this would not be in any of their interests. The sole purpose is to create activity and have the ability to have food trucks offering additionality, for periods of time.</p>
3.15	<p>Victoria Square Management have met with Boojum, to reassure them of their intentions, however, Boojum still wish to maintain their objection.</p>

<p>3.16</p> <p>3.17</p> <p>3.18</p> <p>3.19</p> <p>3.20</p> <p>3.21</p> <p>3.22</p> <p>3.23</p> <p>3.24</p> <p>3.25</p>	<p>Fish City - 33 Ann Street Belfast Fish City do not want another vendor selling similar commodities as their business and they do not want any structure to block their sight lines on Ann Street.</p> <p>Copies of all the responses are attached to this report for your information as Appendix 2.</p> <p>Published 28-day Notice No responses were received to the public notice.</p> <p><u>B) Rescinding the Designation of sites</u></p> <p>The procedures that must be followed for rescinding a Designating Resolution are the same as those for making the Designation in the first place.</p> <p>The Department for Communities, Belfast Regeneration Directorate, as landowner of Queen’s Quay, had asked that the designation of 3 sites on their land at Queen’s Quay is rescinded.</p> <p>PSNI The police have offered no objection to the proposal.</p> <p>DFI Roads Dfi Roads have offered no objection to the proposal.</p> <p>Published 28 day Notice 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 – Map for Victoria Square • Appendix 2 – Copies of correspondence received