

**Democratic Services Section  
Legal and Civic Services Department  
Belfast City Council  
City Hall  
Belfast  
BT1 5GS**



**Belfast**  
City Council

5th April, 2023

## **MEETING OF THE LICENSING COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet in the **Lavery Room and remotely via Microsoft Teams** on Wednesday, 12th April, 2023 at 5.00 p.m., for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

### **AGENDA:**

#### **1. Routine Matters**

- (a) Apologies
- (b) Minutes
- (c) Declarations of Interest

#### **2. Delegated Matters**

- (a) HMO Licences Issued Under Delegated Authority (Pages 1 - 4)
- (b) Application for a New Licence to Operate a House in Multiple Occupation - Flat 1, 6 Sandhurst Road (Pages 5 - 64)
- (c) Application for a New Licence to Operate a House in Multiple Occupation - Flat 2, 6 Sandhurst Road (Pages 65 - 124)
- (d) Applications approved under Delegated Authority (Pages 125 - 130)

- (e) Review of Pavement Café Licence – City Picnic, Fountain Street  
(Pages 131 - 152)
- (f) Review of Pavement Café Licence – Voodoo, Fountain Street  
(Pages 153 - 170)

### **3. Non-Delegated Matters**

- (a) Motion – Industry led Initiatives to Tackle Sexual Harassment within our  
Night-Time Economy (Pages 171 - 204)



<b>Subject:</b>	<b>HMO Licences Issued Under Delegated Authority</b>
<b>Date:</b>	12th April, 2023
<b>Reporting Officer:</b>	Kevin Bloomfield, NIHMO Manager
<b>Contact Officer:</b>	Vivienne Donnelly, City Protection Manager Kevin Bloomfield, NIHMO Manager

<b>Restricted Reports</b>	
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"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>
<b>1.1</b>	Under the Scheme of Delegation, the Director of City and Neighbourhood Services is responsible for exercising all powers in relation to the issue and variation, but not refusal, of HMO Licences, excluding provisions relating to the issue of HMO Licences where adverse representations have been made. Those applications which were dealt with under the Scheme are listed below.
<b>2.0</b>	<b>Recommendation</b>
<b>2.1</b>	The Committee is requested to note the applications that have been approved under the Scheme of Delegation during March 2023.

3.0Main Report

3.1

Key Issues

Under the terms of the Houses in Multiple Occupation Act (Northern Ireland) 2016, the following HMO Licences were issued during March 2023:

Premise Name	Licensee	Ward	HMO Policy Area or Development Node
55 Damascus Street	Mr. Paul Brian Blaney	CENTRAL	HOLYLAND HMO 2/22
34a Candahar Street	Keenwood Construction Ltd	ORMEAU	BALLYNAFEIGH HMO 2/03
61 Sandhurst Drive	Mr. Martin O'Neill	STRANMILLIS	STRANMILLIS HMO 2/19
171 Dunluce Avenue	Mr. Barry McCaffrey	WINDSOR	ULSTERVILLE HMO 2/21
84 Dunluce Avenue	Mrs. Emer McWilliams	WINDSOR	ULSTERVILLE HMO 2/21
56 Lisburn Avenue	Mr. Peter Smyth	WINDSOR	ADELAIDE HMO 2/01
54 Lower Windsor Avenue	Mr. Michael McGrath	WINDSOR	MEADOWBANK HMO 2/15
35 Chadwick Street	Mr. David Torrens	WINDSOR	MEADOWBANK HMO 2/15
82 Dunluce Avenue	Mrs. Emer McWilliams	WINDSOR	ULSTERVILLE HMO 2/21
148 Dunluce Avenue	Mrs. Emer McWilliams	WINDSOR	ULSTERVILLE HMO 2/21
Flat 3, 19 Malone Avenue	Mr. Peter Connolly	WINDSOR	EGLANTINE HMO 2/09
Flat 2, 10 Rugby Avenue	Mr. Declan Boyle	CENTRAL	HOLYLAND HMO 2/22
Flat 3, 10 Rugby Avenue	Mr. Declan Boyle	CENTRAL	HOLYLAND HMO 2/22
Flat 2, 19 Malone Avenue	Mr. Peter Connolly	WINDSOR	EGLANTINE HMO 2/09
Flat 1, 19 Malone Avenue	Mr. Peter Connolly	WINDSOR	EGLANTINE HMO 2/09
38 Magdala Street	Mrs. Catherine Glackin	CENTRAL	HOLYLAND HMO 2/22
38 Melrose Street	JMC Rentals Limited	WINDSOR	EDINBURGH ST HMO 2/08
15 Collingwood Avenue	Mrs. Vanessa McKay	CENTRAL	HOLYLAND HMO 2/22
120 Stranmillis Road	Dr Daigang Wen	STRANMILLIS	STRANMILLIS HMO 2/19
Flat 2, 73 Agincourt Avenue	Mr. John Cathcart	CENTRAL	HOLYLAND HMO 2/22
63 Burmah Street	Mr. Thomas McAleer	ORMEAU	BALLYNAFEIGH HMO 2/03
255 Donegall Road	Mr William McCracken	BLACKSTAFF	DONEGALL ROAD HMO 2/07
Flat 2, 26 Fitzroy Avenue Belfast Antrim BT7 1HW	Mr. Theodore McLaughlin	CENTRAL	HOLYLAND HMO 2/22
24 Tates Avenue	Mr. David Hogg	WINDSOR	EDINBURGH ST HMO 2/08
Flat 3, 74 Eglantine Avenue	Mr. Desmond Duffy	WINDSOR	EGLANTINE HMO 2/09

15 Damascus Street	Mr. Michael Cunningham	CENTRAL	HOLYLAND HMO 2/22
Flat 4, 104 Fitzroy Avenue	D.M Property Estates Limited	CENTRAL	HOLYLAND HMO 2/22
Flat 3, 104 Fitzroy Avenue	D.M Property Estates Limited	CENTRAL	HOLYLAND HMO 2/22
Flat 2, 104 Fitzroy Avenue	D.M Property Estates Limited	CENTRAL	HOLYLAND HMO 2/22
Flat 1, 104 Fitzroy Avenue	D.M Property Estates Limited	CENTRAL	HOLYLAND HMO 2/22
Flat 4, 106 Fitzroy Avenue	D.M Property Estates Limited	CENTRAL	HOLYLAND HMO 2/22
Flat 3, 106 Fitzroy Avenue	D.M Property Estates Limited	CENTRAL	HOLYLAND HMO 2/22
Flat 2, 106 Fitzroy Avenue	D.M Property Estates Limited	CENTRAL	HOLYLAND HMO 2/22
Flat 1, 106 Fitzroy Avenue	D.M Property Estates Limited	CENTRAL	HOLYLAND HMO 2/22
6 Westminster Street	Mr. Kevin Cassidy	CENTRAL	HOLYLAND HMO 2/22
31 Hatfield Street	Mr. Marc Kingsbury	CENTRAL	LOWER ORMEAU HMO 2/13
51 Palestine Street	Mr. James Moffett	CENTRAL	HOLYLAND HMO 2/22
49 Palestine Street	Mr. James Moffett	CENTRAL	HOLYLAND HMO 2/22
43 Palestine Street	Mr. James Moffett	CENTRAL	HOLYLAND HMO 2/22
Flat 2, 7 Rugby Avenue	Mr. Martin Mulholland	CENTRAL	HOLYLAND HMO 2/22
6 Rugby Avenue	Mr. John Connolly	CENTRAL	HOLYLAND HMO 2/22
51 Northbrook Street	John Mulholland Motors Limited	WINDSOR	EDINBURGH ST HMO 2/08
Flat B 270 Antrim Road	Mr. Colin Moran	WATER WORKS	WATER WORKS
84 Rugby Road	Miss Aine Campbell	CENTRAL	HOLYLAND HMO 2/22
Flat 2, 44 Fitzroy Avenue	Mr. Patrick McKillop	CENTRAL	HOLYLAND HMO 2/22
Apartment 5, 9 Chlorine Gardens	Derek and Barbara Blundell Properties	STRANMILLIS	NONE
Apartment 4, 9 Chlorine Gardens	Derek and Barbara Blundell Properties	STRANMILLIS	NONE
Apartment 3, 9 Chlorine Gardens	Derek and Barbara Blundell Properties	STRANMILLIS	NONE
Apartment 2, 9 Chlorine Gardens	Derek and Barbara Blundell Properties	STRANMILLIS	NONE
Apartment 1, 9 Chlorine Gardens	Derek and Barbara Blundell Properties	STRANMILLIS	NONE
97 Alexandra Park Avenue	Mr. Samuel Stewart	DUNCAIRN	DUNCAIRN
34 Wellesley Avenue	Mr. Patrick McComiskey	WINDSOR	EGLANTINE HMO 2/09
10 Raby Street	Mr. Patrick Deeney	ORMEAU	JAMESON HMO 2/12
39 Carmel Street	Mr. Brendan McCann	CENTRAL	HOLYLAND HMO 2/22
48 Pretoria Street	Mrs. Aeveen Daly	CENTRAL	STRANMILLIS HMO 2/19
Flat 4, 83 Eglantine Avenue	Fallswater Investments Limited	WINDSOR	EGLANTINE HMO 2/09
Flat 3, 83 Eglantine Avenue	Fallswater Investments Limited	WINDSOR	EGLANTINE HMO 2/09

	Flat 2, 83 Eglantine Avenue	Fallswater Investments Limited	WINDSOR	EGLANTINE HMO 2/09
	52 Edinburgh Street	JMC Rentals Limited	WINDSOR	EDINBURGH ST HMO 2/08
	75 Rugby Avenue	GO2BSA Limited	CENTRAL	HOLYLAND HMO 2/22
	10 Ardenlee Crescent	Mr. John Traynor	RAVENHILL	RAVENHILL
	14 Sandhurst Drive	Mr. William Robert Gott	STRANMILLIS	STRANMILLIS HMO 2/19
	12 Jocelyn Gardens	Mrs. Lauren Kennedy	BEERSBRIDGE	NONE
	114 Melrose Street	Mr. Ciaran McCarney	WINDSOR	EDINBURGH ST HMO 2/08
	Flat 2, 20 Canterbury Street	Mr. Niall Nangle	CENTRAL	HOLYLAND HMO 2/22
<b><u>Financial and Resource Implications</u></b>				
3.2	None			
<b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b>				
3.3	There are no issues associated with this report.			



<b>Subject:</b>	<b>Application for a New Licence to Operate a House in Multiple Occupation - Flat 1, 6 Sandhurst Road</b>
<b>Date:</b>	12th April, 2023
<b>Reporting Officer:</b>	Kevin Bloomfield, HMO Unit Manager, ext. 5910
<b>Contact Officer:</b>	Kevin Bloomfield, HMO Unit Manager, ext. 5910 Vivienne Donnelly, City Protection Manager, ext. 5325

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

1.0	Purpose of Report/Summary of Main Issues			
1.1	To consider an application for a Licence permitting the use of premises as a House in Multiple Occupation (HMO).			
	Premises	Application No.	Applicant(s)	Managing Agents
	Flat 1, 6 Sandhurst Road, Belfast, BT7 1PW	9555	Queens Quarter Housing Limited	None
1.2	Members are reminded that licences are issued for a 5-year period with standard conditions. Where it is considered necessary to do so, the Committee can also impose special conditions.			
	<b><u>Background</u></b>			
1.3	The property was previously licensed as an HMO in the name of the previous owner who sold the property on 16th September 2022.			
1.4	The applicant submitted a new licence application on 25th August 2022 before the transfer of ownership was completed and as such the licence which was already in effect in respect in accommodation is treated as being held in accordance with section 28(3) of the Houses in Multiple Occupation Act (Northern Ireland) 2016 until this application is determined.			
2.0	Recommendations			
2.1	Taking into account the information presented Committee is asked to hear from the Applicant and make a decision to either:			
	(i)	Grant the application, with or without any special conditions; or		
	(ii)	Refuse the application.		

	<b><u>Notice of Proposed Decision</u></b>
2.2	On 28th March 2023, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 ("the 2016 Act"), officers issued a Notice of Proposed Decision attached at <b>Appendix 2</b>
2.3	The Notice of Proposed Decision stated that the Council proposed to refuse the licence on the basis that it is not satisfied the living accommodation is suitable for use as an HMO pursuant to section 8(2)(e) and section 13 of the 2016 Act
2.4	A statement of reasons for the proposal was included in the Notice of Proposed Decision.
2.5	If the application is refused or granted in terms different from those applied for, the applicant has a right of appeal to the County Court. Such an appeal must be lodged within 28 days of formal notification of the decision.
<b>3.0</b>	<b>Main Report</b>
	<b><u>Key Issues</u></b>
3.1	<p>Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that:</p> <ul style="list-style-type: none"> <li>a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control;</li> <li>b) the owner, and any managing agent of it, are fit and proper persons;</li> <li>c) the proposed management arrangements are satisfactory);</li> <li>d) the granting of the licence will not result in overprovision of HMOs in the locality;</li> <li>e) the living accommodation is fit for human habitation and— <ul style="list-style-type: none"> <li>(i) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or</li> <li>(ii) can be made so suitable by including conditions in the licence.</li> </ul> </li> </ul> <p><b><u>Planning</u></b></p>
3.2	<p>As this is a new application, the Council's Planning Service was consulted. It confirmed that a Certificate of Lawful Existing Use or Development ("CLEUD") was granted on 26th May 2020 with the planning reference LA04/2020/0336/LDE.</p> <p><b><u>Fitness</u></b></p>
3.3	When considering the fitness of an applicant, the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision of the law relating to housing or of landlord and tenant law. It also permits the Council to take into account any other matter which the council considers to be relevant.
3.4	<p>The NIHMO Unit has consulted with the following units within the Council's City and Neighbourhood Services Department –</p> <ul style="list-style-type: none"> <li>(a) Environmental Protection Unit ("EPU") - who have confirmed that in relation to night-time noise they issued a noise warning notice on the 27 January 2020,</li> </ul>



	<p>(b) Environmental Protection Unit (“EPU”) - who have confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(c) Public Health and Housing Unit (“PHHU”) - who have confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(d) Enforcement Unit (“EU”) - who have confirmed that in relation to litter and waste, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p>
3.5	The applicant has confirmed that it has not been convicted of any relevant offences as set out at paragraph 3.3 of this report.
3.6	<p>The Applicant or Managing Agent have not been convicted of any HMO related offences by the Council. The EPU, PHHU and EU, solely in respect of their statutory functions, have confirmed that there are no relevant, previous convictions in respect of the Applicant, Managing Agent or occupants. Due to data protection issues which have arisen, PSNI have not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue.</p> <p><b><u>Suitability of Living Accommodation for Multiple Occupation</u></b></p>
3.7	<p>In determining whether living accommodation is suitable for occupation as an HMO the Council must have regard amongst other things to—</p> <p>(a) the accommodation's location,</p> <p>(b) the type and number of persons likely to occupy it,</p> <p>(c) the safety and security of persons likely to occupy it, and</p> <p>(d) the possibility of undue public nuisance.</p> <p><b><u>(a) The Accommodation's Location</u></b></p>
3.8	The accommodation is a ground floor flat located at 6 Sandhurst Road, Belfast, BT7 1PW which is in HMO Policy Area HMO 2/22 Botanic, Holylands, Botanic.
3.9	The property is situated in a primarily residential area, however the adjacent property at “Lilac House” 4 Sandhurst Road is the independent living and advice centre of the charity Autonomie who work with young people (16-30 years) with a physical and/or mild to moderate learning disabilities. Autonomie also offer vital practical and emotional support to families raising a child or young person with disabilities.
3.10	At the junction of Fitzroy Avenue and Sandhurst Road is located Fitzroy Court which is a block of 25 retirement flats operated by Choice Housing. The boundary of Fitzroy Court is approximately 20m diagonally opposite 6 Sandhurst Road.
	<b><u>(b) The Type and Number of Persons likely to Occupy It</u></b>
3.11	The director of Queens Quarter Housing Limited (“QQH”) confirmed by email on 7th December 2022 that “the accommodation is used to accommodate vulnerable adults, this at times could include persons with addictions, people with mental health issues, asylum seekers, young people leaving care, escaping domestic violence.”

3.12	<p>The management plan attached at <b>Appendix 3</b> for the accommodation indicates that pre tenancy checks are undertaken prior to the commencement of the tenancy. The plan states that:</p> <ul style="list-style-type: none"> <li>• Where it is found that there are any issues likely to impact on their tenancy such as alcohol or drug dependency, criminal convictions or history, a full risk assessment will be carried out by suitably qualified staff at QQH and where possible a program of support and risk management</li> <li>• Where the above evaluations raise concerns, QQH may refuse the tenancy</li> </ul>
3.13	<p>The proposed occupancy level for Flat 1, 6 Sandhurst Road, Belfast, BT7 1PW is 4 persons, applications have also been received from QQH for Flat 2, 6 Sandhurst Road for 4 persons and Flat 3, 6 Sandhurst Road for 4 persons. The application for Flat 3 has been refused as the Council could not be satisfied that occupation of the living accommodation as an HMO would not constitute a breach of planning control.</p> <p><b><u>(c) The Safety and Security of Persons likely to Occupy It</u></b></p>
3.14	<p>QQH as part of their pre tenancy checks has indicated that they-</p> <ul style="list-style-type: none"> <li>• Liaise directly with both the NIHE and previous tenancy providers to ascertain any issues that may have arisen during that tenancy and verify the tenant is suitable to avail of the offered accommodation</li> <li>• If no previous tenancy has been held, prospective tenants are required to supply details of any previous addresses they have lived in within the previous twelve months</li> <li>• As all tenants are referred to QQH by the NIHE, initial checks and proof of identity are carried out on application to the NIHE for accommodation. The NIHE normally require two forms of proof of identity, one of which must relate to the previous accommodation address e.g., utility bill, picture driving licence, official letter etc.</li> <li>• Further cross checks of identity and background are carried out by QQH with NIHE and any previous accommodation providers to appraise a full evaluation of the perspective tenant</li> <li>• Where the above checks raise concern for both existing tenants or neighbours, the offer of tenancy may be refused.</li> </ul>
3.15	<p>QQH further indicates that continuous support for their tenants is available. QQH head office located at 151 University Street, Belfast BT7 1HR, is manned 24/7 by support staff</p>
3.16	<p>QQH has indicated that there has been incident of a service user being aggressive on the 06/12/2022 and on the 02/02/2023 PSNI attended a reported assault on one tenant by another tenant.</p> <p><b><u>Representations</u></b></p>
3.17	<p>In accordance with Paragraph 4 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 a representation is only valid if it –</p>

	<p>(a) is made in writing,</p> <p>(b) sets out the name and address of the person making the representation, and</p> <p>(c) is made on or before the deadline for making written representations.</p>
3.18	Following the publication of the notice of the application, twenty valid objections were received in relation to this licence application. A copy of those representations are appended to this report as part of the notice of proposed decision at <b>Appendix 2</b> .
3.19	The objections primarily relate to concerns regarding the client group that the accommodation will house and the likelihood of public nuisance, ASB and safeguarding issues for vulnerable persons attending Lilac House.
	<b><u>(d) The Possibility of Undue Public Nuisance</u></b>
3.20	The objections to the licence application have raised a number of concerns regarding alleged and potential public nuisance associated with the clientele who reside at, or who would become resident at 6 Sandhurst Road. It has already been claimed there have been difficulties experienced with some of the residents including groups of people gathering outside of the property, smoking and drinking for up to 3 hours and the use of profanities.
	<b><u>Consultation with the PSNI</u></b>
3.21	Officers consulted with the Police Service for Northern Ireland (“PSNI”) and sought information regarding any calls they may have had to the accommodation, including the number and types of incidents. Officers also asked if the PSNI would have any concerns / objections to the granting of an HMO licence.
3.22	A copy of its correspondence dated 23rd February 2023 is attached at <b>Appendix 4</b> .
	<b><u>Consultation with the Applicant</u></b>
3.23	On 19th January 2023, the applicant informed Council officers of contact it had with the PSNI in relation to the premises as attached at <b>Appendix 5</b>
	<b><u>Incident Log and Photographs from Autonomie</u></b>
3.24	On 23rd March 2023, a board member of the charity Autonomie emailed officers in the HMO Unit with an incident log together with a sequence of photographs related to alleged incidents being attributed to the occupants of 6 Sandhurst Road as attached at <b>Appendix 6</b>
	<b><u>Neighbourhood services report</u></b>
3.25	As suggested in the PSNI consultation, officers from the HMO service requested details from BCC’s Neighbourhood Services of drug use paraphernalia removed by them in the locality, details of which are attached at <b>Appendix 7</b>
	<b><u>Attendance</u></b>
3.26	The applicant and/or their representatives, as well as the objectors should be available to discuss any matters relating to this licence application should they arise during your meeting. Officers have also invited the PSNI to attend, who have in turn confirmed that an officer from the service will appear before members to address any queries members may have.

	<p><b><u>Suitability of the Premises</u></b></p> <p>3.27 The accommodation was inspected by an officer from the NIHMO Unit on 24th November 2022, at which time the accommodation achieved the required physical standards for an HMO.</p> <p><b><u>Notice of Proposed Decision</u></b></p> <p>3.28 On 28th March 2023, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 ("the 2016 Act"), officers issued a Notice of Proposed Decision attached at <b>Appendix 2</b></p> <p>3.29 The Notice of Proposed Decision stated that the Council proposed to refuse the licence as officers cannot be satisfied that the accommodation is suitable for use as an HMO for the specified maximum number of persons or could be made so by including conditions in the licence for the purpose of section 8(2)(e) of the 2016 Act.</p> <p><b>Financial and Resource Implications</b></p> <p>3.30 None. The cost of assessing the application and officer inspections are provided for within existing budgets.</p> <p><b>Equality and Good Relations Implications</b></p> <p>3.31 There are no equality or good relations issues associated with this report.</p>
<b>4.0</b>	<b>Documents Attached</b>
	<ul style="list-style-type: none"> <li>• <b>Appendix 1</b> – External photographs and location map</li> <li>• <b>Appendix 2</b> – Notice of Proposed Decision dated 28 March 2023</li> <li>• <b>Appendix 3</b> – Management Plan</li> <li>• <b>Appendix 4</b> – Consultation with the PSNI</li> <li>• <b>Appendix 5</b> – Email from applicant dated 19 January 2023</li> <li>• <b>Appendix 6</b> – Incident log and photographs of sharps</li> <li>• <b>Appendix 7</b> – Neighbourhood Services Report</li> </ul>

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<b>Subject:</b>	<b>Application for a New Licence to Operate a House in Multiple Occupation - Flat 2, 6 Sandhurst Road</b>
<b>Date:</b>	12th April, 2023
<b>Reporting Officer:</b>	Kevin Bloomfield, HMO Unit Manager, ext. 5910
<b>Contact Officer:</b>	Kevin Bloomfield, HMO Unit Manager, ext. 5910 Vivienne Donnelly, City Protection Manager, ext. 5325

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

1.0	Purpose of Report/Summary of Main Issues			
1.1	To consider an application for a Licence permitting the use of premises as a House in Multiple Occupation (HMO).			
	Premises	Application No.	Applicant(s)	Managing Agents
	Flat 2, 6 Sandhurst Road, Belfast, BT7 1PW	9570	Queens Quarter Housing Limited	None
1.2	Members are reminded that licences are issued for a 5-year period with standard conditions. Where it is considered necessary to do so, the Committee can also impose special conditions.			
	<b><u>Background</u></b>			
1.3	The property was previously licensed as an HMO in the name of the previous owner who sold the property on 16th September, 2022.			
1.4	The applicant submitted a new licence application on 29th August 2022 before the transfer of ownership was completed and, as such, the licence which was already in effect in respect in accommodation is treated as being held in accordance with section 28(3) of the Houses in Multiple Occupation Act (Northern Ireland) 2016 until this application is determined.			
2.0	Recommendations			
2.1	Taking into account the information presented Committee is asked to hear from the Applicant and make a decision to either:			
	(i)	Grant the application, with or without any special conditions; or		
	(ii)	Refuse the application.		

	<b><u>Notice of Proposed Decision</u></b>
2.2	On 28th March 2023, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 ("the 2016 Act"), Officers issued a Notice of Proposed Decision attached at <b>Appendix 2</b>
2.3	The Notice of Proposed Decision stated that the Council proposed to refuse the licence on the basis that it is not satisfied the living accommodation is suitable for use as an HMO pursuant to section 8(2)(e) and section 13 of the 2016 Act
2.4	A statement of reasons for the proposal was included in the Notice of Proposed Decision.
2.5	If the application is refused or granted in terms different from those applied for, the applicant has a right of appeal to the County Court. Such an appeal must be lodged within 28 days of formal notification of the decision.
<b>3.0</b>	<b>Main Report</b>
	<b><u>Key Issues</u></b>
3.1	<p>Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that:</p> <ul style="list-style-type: none"> <li>a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control;</li> <li>b) the owner, and any managing agent of it, are fit and proper persons;</li> <li>c) the proposed management arrangements are satisfactory);</li> <li>d) the granting of the licence will not result in overprovision of HMOs in the locality;</li> <li>e) the living accommodation is fit for human habitation and— <ul style="list-style-type: none"> <li>(i) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or</li> <li>(ii) can be made so suitable by including conditions in the licence.</li> </ul> </li> </ul> <p><b><u>Planning</u></b></p>
3.2	<p>As this is a new application, the Council's Planning Service was consulted. It confirmed that a Certificate of Lawful Existing Use or Development ("CLEUD") was granted on 26th May 2020 with the planning reference LA04/2020/0335/LDE.</p> <p><b><u>Fitness</u></b></p>
3.3	When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision of the law relating to housing or of landlord and tenant law. It also permits the Council to take into account any other matter which the council considers to be relevant.
3.4	<p>The NIHMO Unit has consulted with the following units within the Council's City and Neighbourhood Services Department –</p> <ul style="list-style-type: none"> <li>(a) Environmental Protection Unit ("EPU") – which has confirmed that, in relation to night-time noise, it issued a noise warning notice on 27th January 2020,</li> </ul>

	<p>(b) Environmental Protection Unit (“EPU”) – which has confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(c) Public Health and Housing Unit (“PHHU”) – which has confirmed that, in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(d) Enforcement Unit (“EU”) – which has confirmed that, in relation to litter and waste, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p>
3.5	The applicant has confirmed that it has not been convicted of any relevant offences as set out at paragraph 3.3 of this report.
3.6	<p>The applicant or Managing Agent have not been convicted of any HMO related offences by the Council. The EPU, PHHU and EU, solely in respect of their statutory functions, have confirmed that there are no relevant, previous convictions in respect of the Applicant, Managing Agent or occupants. Due to data protection issues which have arisen, PSNI have not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue.</p> <p><b><u>Suitability of Living Accommodation for Multiple Occupation</u></b></p>
3.7	<p>In determining whether living accommodation is suitable for occupation as an HMO the Council must have regard amongst other things to—</p> <p>(a) the accommodation's location,</p> <p>(b) the type and number of persons likely to occupy it,</p> <p>(c) the safety and security of persons likely to occupy it, and</p> <p>(d) the possibility of undue public nuisance.</p> <p><b><u>(a) The Accommodation's Location</u></b></p>
3.8	The accommodation is a first floor flat located at 6 Sandhurst Road, Belfast, BT7 1PW which is in HMO Policy Area HMO 2/22 Botanic, Holylands, Botanic.
3.9	The property is situated in a primarily residential area, however, the adjacent property at “Lilac House” 4 Sandhurst Road is the independent living and advice centre of the charity Autonomie who work with young people (16-30 years) with a physical and/or mild to moderate learning disabilities. Autonomie also offer vital practical and emotional support to families raising a child or young person with disabilities.
3.10	At the junction of Fitzroy Avenue and Sandhurst Road is located Fitzroy Court which is a block of 25 retirement flats operated by Choice Housing. The boundary of Fitzroy Court is approximately 20m diagonally opposite 6 Sandhurst Road.
	<b><u>(b) The Type and Number of Persons likely to Occupy It</u></b>
3.11	The director of Queens Quarter Housing Limited (“QQH”) confirmed by email on 7th December 2022 that “the accommodation is used to accommodate vulnerable adults, this at times could include persons with addictions, people with mental health issues, asylum seekers, young people leaving care, escaping domestic violence.”

3.12	<p>The management plan attached at <b>Appendix 3</b> for the accommodation indicates that pre tenancy checks are undertaken prior to the commencement of the tenancy. The plan states that:</p> <ul style="list-style-type: none"> <li>• Where it is found that there are any issues likely to impact on their tenancy such as alcohol or drug dependency, criminal convictions or history, a full risk assessment will be carried out by suitably qualified staff at QQH and where possible a program of support and risk management</li> <li>• Where the above evaluations raise concerns, QQH may refuse the tenancy</li> </ul>
3.13	<p>The proposed occupancy level for Flat 2, 6 Sandhurst Road, Belfast, BT7 1PW is 4 persons, applications have also been received from QQH for Flat 1, 6 Sandhurst Road for 4 persons and Flat 3, 6 Sandhurst Road for 4 persons. The application for Flat 3 has been refused as the Council could not be satisfied that occupation of the living accommodation as an HMO would not constitute a breach of planning control.</p> <p><b><u>(c) The Safety and Security of Persons likely to Occupy It</u></b></p>
3.14	<p>QQH as part of their pre tenancy checks have indicated that they-</p> <ul style="list-style-type: none"> <li>• Liaise directly with both the NIHE and previous tenancy providers to ascertain any issues that may have arisen during that tenancy and verify the tenant is suitable to avail of the offered accommodation</li> <li>• If no previous tenancy has been held, prospective tenants are required to supply details of any previous addresses they have lived in within the previous twelve months</li> <li>• As all tenants are referred to QQH by the NIHE, initial checks and proof of identity are carried out on application to the NIHE for accommodation. The NIHE normally require two forms of proof of identity, one of which must relate to the previous accommodation address e.g., utility bill, picture driving licence, official letter etc.</li> <li>• Further cross checks of identity and background are carried out by QQH with NIHE and any previous accommodation providers to appraise a full evaluation of the perspective tenant</li> <li>• Where the above checks raise concern for both existing tenants or neighbours, the offer of tenancy may be refused.</li> </ul>
3.15	<p>QQH further indicate that continuous support for their tenants is available. QQH head office located at 151 University Street, Belfast BT7 1HR, is manned 24/7 by support staff</p>
3.16	<p>QQH have indicated that there has been incident of a service user being aggressive on the 06/12/2022 and on the 02/02/2023 PSNI attended a reported assault on one tenant by another tenant.</p> <p><b><u>Representations</u></b></p>
3.17	<p>In accordance with Paragraph 4 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 a representation is only valid if it –</p>

	<p>(a) is made in writing,</p> <p>(b) sets out the name and address of the person making the representation, and</p> <p>(c) is made on or before the deadline for making written representations.</p>
3.18	Following the publication of the notice of the application, twenty valid objections were received in relation to this licence application. A copy of those representations are appended to this report as part of the notice of proposed decision at <b>Appendix 2</b> .
3.19	The objections primarily relate to concerns regarding the client group that the accommodation will house and the likelihood of public nuisance, ASB and safeguarding issues for vulnerable persons attending Lilac House.
	<b><u>(d) The possibility of undue public nuisance</u></b>
3.20	The objections to the licence application have raised a number of concerns regarding alleged and potential public nuisance associated with the clientele who reside at, or who would become resident at 6 Sandhurst Road. It has already been claimed there have been difficulties experienced with some of the residents including groups of people gathering outside of the property, smoking and drinking for up to 3 hours and the use of profanities.
	<b><u>Consultation with the PSNI</u></b>
3.21	Officers consulted with the Police Service for Northern Ireland ("PSNI") and sought information regarding any calls they may have had to the accommodation, including the number and types of incidents. Officers also asked if the PSNI would have any concerns / objections to the granting of an HMO licence.
3.22	A copy of its correspondence dated 23rd February 2023 is attached at <b>Appendix 4</b> .
	<b><u>Consultation with the applicant</u></b>
3.23	On 19th January 2023, the applicant informed Council officers of contact it had with the PSNI in relation to the premises as attached at <b>Appendix 5</b>
	<b><u>Incident Log and Photographs from Autonomie</u></b>
3.24	On 23rd March, 2023, a board member of the charity Autonomie emailed officers in the HMO Unit with an incident log together with a sequence of photographs related to alleged incidents being attributed to the occupants of 6 Sandhurst Road as attached at <b>Appendix 6</b>
	<b><u>Neighbourhood Services Report</u></b>
3.25	As suggested in the PSNI consultation, officers from the HMO service requested details from BCC's Neighbourhood Services of drug use paraphernalia removed by them in the locality, details of which are attached at <b>Appendix 7</b>
	<b><u>Attendance</u></b>
3.26	The applicant and/or their representatives, as well as the objectors should be available to discuss any matters relating to this licence application should they arise during your meeting. Officers have also invited the PSNI to attend, who have in turn confirmed that an officer from the service will appear before members to address any queries members may have.

	<p><b><u>Suitability of the premises</u></b></p> <p>3.27 The accommodation was inspected by an officer from the NIHMO Unit on 24th November 2022, at which time the accommodation achieved the required physical standards for an HMO.</p> <p><b><u>Notice of Proposed Decision</u></b></p> <p>3.28 On 28th March 2023, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 (“the 2016 Act”), Officers issued a Notice of Proposed Decision attached at <b>Appendix 2</b></p> <p>3.29 The Notice of Proposed Decision stated that the Council proposed to refuse the licence as officers cannot be satisfied that the accommodation is suitable for use as an HMO for the specified maximum number of persons or could be made so by including conditions in the licence for the purpose of section 8(2)(e) of the 2016 Act.</p> <p><b>Financial and Resource Implications</b></p> <p>3.30 None. The cost of assessing the application and officer inspections are provided for within existing budgets.</p> <p><b>Equality and Good Relations Implications</b></p> <p>3.31 There are no equality or good relations issues associated with this report.</p>
<b>4.0</b>	<b>Documents Attached</b>
	<ul style="list-style-type: none"> <li>• <b>Appendix 1</b> – External photographs and location map</li> <li>• <b>Appendix 2</b> – Notice of Proposed Decision dated 28 March 2023</li> <li>• <b>Appendix 3</b> – Management plan</li> <li>• <b>Appendix 4</b> – Consultation with the PSNI</li> <li>• <b>Appendix 5</b> – Email from applicant dated 19 January 2023</li> <li>• <b>Appendix 6</b> – Incident log and photographs of sharps</li> <li>• <b>Appendix 7</b> – Neighbourhood Services Report</li> </ul>



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<b>Subject:</b>	<b>Applications approved under Delegated Authority</b>
<b>Date:</b>	12th April, 2023
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	James Cunningham, Senior Licensing Officer, ext. 3375

<b>Restricted Reports</b>	
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"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>
1.1	Under the Scheme of Delegation, the Director of Planning and Building Control is responsible for exercising all powers in relation to the issue, but not refusal, of Permits and Licences, excluding provisions relating to the issue of Licences where adverse representations have been made.
<b>2.0</b>	<b>Recommendation</b>
2.1	The Committee is requested to note the applications that have been issued under the Scheme of Delegation.

3.0Main Report

3.1

Key Issues

Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, the following Entertainments Licences were issued since the last meeting:

Premises and Location	Type of Application	Applicant
2 Royal Avenue, 2 Royal Avenue, Belfast, BT1 1DA	Renewal and Variation	Mr. John Greer, Belfast City Council
39 Gordon St, 2-14 Dunbar Street, Belfast, BT1 2LH	Renewal	Mr. Lawrence Bannon, Carlisle Inns Ltd
Bank Square, Bank Street, Belfast, BT1 1HL	Renewal (Outdoor)	Mr. Gary Hammond, Department for Communities
Bank Square, Bank Street, Belfast, BT1 1HL	Renewal (Marquee)	Mr. Gary Hammond, Department for Communities
Bar & Block Restaurant, 2-6 Waring Street, Belfast, BT1 2DX	Grant	Mr. Kristopher Arthur
Becketts Bar, 241 Stewartstown Road, Dunmurry, Belfast, BT17 0LA	Renewal	Mr. Gerard Donnelly, Becketts Bar Ltd.
Belvoir Park Golf Club, 73-75 Church Road, Newtownbreda, Belfast, BT8 7AN	Renewal	Mr. Gerard Wilson
Cafe Parisien, Cleaver House, 3a Donegall Square North, Belfast, BT1 5GA	Renewal	Mr. Colin Johnston
City Hall, Donegall Square, Belfast, BT1 5GS	Renewal	Ms. Carole Greenan, Belfast City Council
City Hall, Donegall Square, Belfast, BT1 5GS	Renewal (Outdoor)	Ms. Carole Greenan, Belfast City Council
Clonduff Community Centre, Montgomery Road, Belfast, BT6 9HS	Renewal	Ms. Catherine Taggart, Belfast City Council
Cregagh Youth & Community Centre, Mount Merrion Avenue, Belfast, BT6 0FL	Renewal	Ms. Catherine Taggart, Belfast City Council
Eglantine Inn, 32-40 Malone Road, Belfast, BT9 5BQ	Renewal and Transfer	Mr. Paul Langsford, Clover Pubs Property NI Ltd
Filthy McNastys, 41-45 Dublin Road, Belfast, BT2 7HD	Renewal (Outdoor)	Mr. Stephen McCann, Bachus Inns Ltd
Filthy McNastys, 41-45 Dublin Road, Belfast, BT2 7HD	Renewal (Indoor)	Mr. Stephen Mc Cann, Bachus Inns Ltd
Glen Road Community Centre, 2a Carrigart Avenue, Belfast, BT11	Renewal	Ms. Catherine Taggart, Belfast City Council
Hammer Main Hall, Agnes Street, Belfast, BT13 1GG	Renewal	Ms. Catherine Taggart, Belfast City Council



		<b>Premises and Location</b>	<b>Type of Application</b>	<b>Applicant</b>
		Haymarket, 84 Royal Avenue, Belfast, BT1 1DJ	Renewal (Outdoor)	Mr. Gareth Murphy, Coobet Trading Ltd
		Haymarket, 84 Royal Avenue, Belfast, BT1 1DJ	Renewal (Indoor)	Mr. Gareth Murphy, Coobet Trading Ltd
		Inverary Community Centre, Inverary Avenue, Belfast, BT4 1RN.	Renewal	Ms. Catherine Taggart, Belfast City Council
		Malone Golf Club, 240 Upper Malone Road, Belfast, BT17 9LB	Renewal	Mr. Patrick Dean
		Mountainview Social Club, 8 Enfield Street, Belfast, BT13 3DH	Renewal	Mr. William McDonald
		Orangefield Presbyterian Church, 464 Castlereagh Road, Belfast, BT5	Renewal	Mr. David Irvine
		Ormeau Park Bowling Pavilion, Ormeau Road, Belfast	Renewal	Mr. David Sales, Belfast City Council
		Pug Uglys, 21 Bedford Street, Belfast, BT2 7EJ	Renewal	Mr. Paul Langsford, Bedford Taverns Ltd
		Ravenhill Bowling Pavillion, Ormeau Road, Belfast, BT7	Renewal	Mr. David Sales, Belfast City Council
		Shawsbridge Sports Association, 123 Milltown Road, Belfast, BT8 4XP	Renewal	Mr. Michael Hunter
		Suffolk Community Centre, Carnamore Park, Belfast, BT11 9LX	Renewal	Ms. Catherine Taggart, Belfast City Council
		Sweet Afton, Rita's, Franklins, & The Perch, 43 Franklin Street & 12 Brunswick Street, Belfast, BT2 7GG	Renewal	Ms. Catherine McCrory, Frankwick Trading Ltd
		The Errigle Inn, 312-320 Ormeau Road, Belfast, BT7	Renewal	Mr. Philip McGurran, T.J.McGurran Ltd
		The Marcus Ward, 1 Bankmore Square, Belfast, BT7	Grant	Mr. Lawrence Bannon, Tobar Inns Ltd
		Town Square, 12-13 Lower Crescent, Belfast, BT7 1NR	Renewal	Mr. Ben Ringland, Victoria 1 Ltd
3.2	Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, no Amusement Permits were issued since the last meeting.			
3.3	Under the terms of the Cinemas (Northern Ireland) Order 1991, no Cinema Licences were issued since the last meeting.			
3.4	Under the terms of the Street Trading Act (Northern Ireland) 2001, no Street Trading Licences were issued since the last meeting.			

3.5

Under the terms of the Petroleum Consolidation Act 1929, the following Petroleum Licences were issued since the last meeting:

Premises and Location	Type of Application	Applicant
Clifton Street Service Station, 38-46 Clifton Street, Belfast, BT13	Renewal	Mr. Feargal Woods, Wood Stores NI Ltd
Eurospar Shankill, 52-58 Shankill Road, Belfast, BT13 2BB	Grant	Mr. Alan Armstrong, Henderson Retail Ltd
Madigan's Court Filling Station, 739 Antrim Road, Belfast, BT15 4EL	Renewal	Mr. Patrick McCormack, Charioteer Ltd
PSNI Tennent Street, 134 Tennent Street, Belfast, BT13	Renewal	Ms. Angela McAllister, PSNI Transport Services
Tesco Petrol Filling Station, Knocknagoney Road, Belfast, BT4 2PW	Renewal	Tesco Stores Ltd

3.6

Under the terms of the Road Traffic Regulation (Northern Ireland) Order 1997, the following Road Closure Orders were made since your last meeting:

Location	Type of Activity	Date and Hours permitted	Applicant
Cupar Way	Filming	14 March 2023 09:30 – 14:30	Mr. Scott Houston
Annadale Embankment, Stranmillis Embankment, Kings Bridge, Ormeau Bridge	Club Run	23 March 2023 18:30 – 20:30	Mr. Kevin Murray
Tates Avenue	Filming	02 April 2023 07:30 – 13:00	Mr. Scott Houston
Massey Avenue, Upper Newtownards Road, Beersbridge Road, Castlereagh Road, Montgomery Road, Cregagh Road, Woodstock Road, Albertbridge Road, Ravenhill Road, Ormeau Embankment, Ormeau Road, Cromac Street, Victoria Street, Chichester Street, Donegal Place, Castle Street, Queen Street, Wellington Place, May Street, Donegall Square South, Howard Street, Donegall Square North, Donegall Square West, Great Victoria Street, Donegall Road, Glenmachan Street, Boucher Road, Lislea Drive, Lisburn Road, Upper Lisburn Road, Finaghy Road North, Andersonstown Road, Falls Road, North Howard Street, North Howard Link,	Large Run (Belfast City Marathon)	30 April 2023 06:00 – 15:30	Ms. Eimear Degan



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<b>Subject:</b>	<b>Review of Pavement Café Licence – City Picnic, Fountain Street</b>
<b>Date:</b>	12th April, 2023
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext 2435
<b>Contact Officer:</b>	James Cunningham, Senior Licensing Officer, ext 3375

<b>Restricted Reports</b>	
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"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>
1.1	The Committee is reminded that, at its meetings in November and December 2022, it considered the review of two Temporary Pavement Café Licences in Fountain Street.
1.2	DfI-Roads had notified the Council that, in its view, the Temporary Pavement Cafés needed to be removed or relocated to facilitate the safe movement of traffic in Fountain Street, following its reopening to vehicular traffic.
1.3	The Committee agreed to defer the review of the City Picnic Pavement Café Licence until the application for the new location in Castle Street had been completed.
1.4	In addition, the Committee requested that representatives from DfI Roads be invited to attend the Committee to outline their plans for the development of the city centre and for officers to ascertain what plans Translink had for the area.

1.5	A copy of the report and the minutes of 16th November and 14th December are attached.
<b>2.0</b>	<b>Recommendations</b>
2.1	Taking into account the information presented and the representations received, the Committee is asked to consider the request from DfI Roads Service to revoke the Temporary Pavement Café Licence.
2.2	If the Committee is minded to agree to the DfI request to revoke a Licence, the licensee must be informed that the Committee is minded to do so and in accordance with the Licensing of Pavement Cafés Act (Northern Ireland) 2014 be permitted to make representation regarding the revocation to the Council, with such representations to be made not less than 21 days from the date of notice.
2.3	As a consequence, the actual decision to revoke the licence will be considered at a meeting of the Committee on a later date. There is a right of appeal to the Magistrate's Court against the revocation of a licence.
<b>3.0</b>	<b>Main Report</b>
3.1	At the Committee meeting in December, Members had asked for representatives from DfI Roads to be invited to attend the Committee to outline their plans for the development of the city centre and for officers to ascertain what plans Translink had for the area.
3.2	The Committee is reminded that matters pertaining to transport planning and policy in the City is dealt with by the Council's City Regeneration team via the Council's City Growth and Regeneration Committee.
3.3	DfI is currently developing the Belfast Metropolitan Transport Plan (BMTP), in line with the Executive Commitments under the Climate Action Plan. The initial stage of this work will concentrate on Belfast City Centre and strategic public transportation connections and will involve modelling of options to recommend the optimum network for the city centre transportation requirements to deliver on the Department's Climate Action Plan commitments. This work will form a major element of the Department's future plans for the city centre. This work remains in progress however DfI have committed to engage with the Council on the emerging findings of the BMTP modelling and it is expected that this will be reported through the CG and R Committee.
3.4	Translink is also due to attend the Council's City Growth and Regeneration Committee, at a date to be confirmed, to outline transportation plans for the City, however this will also be dependent on the outworking's of the BMTP modelling exercise and subsequent recommendations. If Members are in agreement, to avoid the need for duplication, arrangements can be made for Members of the Licensing Committee to attend the City Growth and Regeneration Committee and hear of these plans.
3.5	A representative from DfI Roads has been invited to your meeting to outline their plans for the development of the city centre.

	<b><u>City Picnic</u></b>
3.6	As previously reported, Mr. Arthur McAnerney is the licensee for the Temporary Pavement Café Licence associated with City Picnic, Unit 5 McAuley House, 2-6 Castle Street. The current pavement café licence is for a site in the middle of Fountain Street, close to the junction with Castle Street. This has now been removed and relocated to Castle Street.
3.7	Mr. McAnerney had submitted a new application for a Temporary Pavement Café in Castle Street in the remaining closed portion between the junction of Fountain Street and Castle Junction.
3.8	The Committee is reminded that it agreed to defer the review of the City Picnic Pavement Café Licence until the application for the new location in Castle Street had been completed.
3.9	Following statutory consultation, no objections were received from either DfI Roads or the PSNI and there were no objections arising from the public notice of the application. Therefore, a Temporary Pavement Café Licence has now been granted to Mr. Arthur McAnerney for Castle Street, under delegated authority.
3.10	The Committee should now consider the request to initiate the revocation of City Picnic's Pavement Café Licence in the middle of Fountain Street.
	<b>Notification of Revocation</b>
3.11	Should the Committee decide to revoke the licence, the Council is required to notify the licensee of its intention, stating the grounds for doing so and that representations may be made by the licence holder.
3.12	The Council must provide the licensee with at least 21 days from the date of notification to make representation unless it considers that there are particular circumstances which are in the public interest that make it necessary to consider a shorter period.
3.13	However, there is scope in the Act that the Council may decide to revoke a pavement café licence even though no notification has been given. Based on the DfI-Roads representations and the granting of new Licence for Castle Street, the Committee may therefore consider if it is in the 'public interest' to revoke, the licence without giving 21 days' notice. Members are reminded that this matter has now been deferred twice.
3.14	Before deciding whether to revoke the licence the council must take into account any representations made by the licence holder within the period.
	<b><u>Financial and Resource Implications</u></b>
3.15	None.
	<b><u>Equality and Good Relations Implications/Rural Needs Assessment</u></b>
3.16	There are no issues associated with this report.
<b>4.0</b>	<b>Documents Attached</b>
	Appendix 1 – Minute and Committee report of 14th December, 2022 Appendix 2 – Minute and Committee report of 16th November, 2022

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## **Licensing Committee**

Wednesday, 14th December, 2022

### **Review of Pavement Café Licence – City Picnic, Fountain Street**

The Chairperson informed the Committee that the Review of Pavement Café Licence – City Picnic, Fountain Street (Item 2d) and Review of Pavement Café Licence – Voodoo, Fountain Street (2e) would be heard together. It was reported that Mr. D. McFarlane, Divisional Roads Manager, and Mr. G. Lawther, Development Control Manager, were in attendance on behalf of DfI-Roads, as were Mr. A. McAnerney, the Licensee, and his business partner Mr G. Gregg.

The Building Control Manager reminded the Committee that, at its meeting on 16th November, it had considered the review of 2 Temporary Pavement Café Licences in Fountain Street.

DfI-Roads had notified the Council that, in its view, the Temporary Pavement Cafés needed to be removed or relocated to facilitate the safe movement of traffic in Fountain Street, following its reopening to vehicular traffic. The Committee, after hearing from DfI-Roads and representatives from City Picnic and Voodoo (the licensees), had deferred making any decision to enable further information to be obtained.

At the meeting in November, the Committee had asked for more information from DfI-Roads, which would provide an analysis of road safety in the area, to enable it to properly consider the request to revoke the pavement café licences. The Committee had also asked for confirmation from DfI-Roads on whether Castle Street (portion between Fountain Street and Castle Junction) would remain pedestrianised.

In response to these queries DfI Roads had commented as follows:

*“The Department’s view on the café licences for both Voodoo and City Picnic is that they present a danger to vulnerable road users especially pedestrians. This is because they are both placed across a section of Fountain Street that would, ordinarily, be open to two-way traffic. This section of road leads into another section, behind the bollards on Fountain Street, that is pedestrianised save for 6 pm to 11 am. The Cafés obstruct this part of the road. This has led to a number of loading vehicles being forced to reverse to exit both Fountain Street and Castle Street, whereas previously they could have driven through this section. Vehicles, which cannot perform a ‘u-turn’ on Castle Street can only leave the street by reversing through the traffic light-controlled junction at Queens Street. The Department is concerned that the reversing that the structures require vehicles to undertake could cause a danger to vulnerable road users, such as pedestrians and cyclists, as well as other mechanically propelled road traffic. Additionally, the cafes’ structures block access to a car park that is incorporated into the Norwich Union Building, do not facilitate cyclists and may not address specific issues encountered by disabled drivers.*

**Licensing Committee,  
Wednesday, 14th December, 2022**

*Due to the foregoing, the Department would urge the Council to not renew the licences on Fountain Street.*

*If the Council does not agree with the Department on this question, the Department would then request the structure and associated café furniture would not be in place between the hours of 6 pm and 11 am to mirror the times when Fountain Street pedestrianised zone is open to loading traffic. This will allow the free flow of traffic for loading vehicles, important to other businesses in the area, and reduce the risk for vulnerable road users.*

*The Department would ask that, in making its decision, the Council fully considers the impacts on disabled people and cyclists and is informed by a public safety risk assessment that fully considers all the safety issues associated with the pavement café license applications.*

*In relation to your query about traffic volumes, I can confirm that the Department does not have either vehicle or pedestrian counts for the periods before or after the closure.*

*In relation to the pedestrianisation of Castle Street, in front of City Picnic, I can confirm that the Department has currently restricted all vehicles from using Castle Street between Royal Avenue to Fountain Street with the exception of cyclists under the powers conferred on it by Article 7 of the Road Traffic Regulations (Northern Ireland) Order 1997. This restriction will last until 1 April 2024 however this can be superseded or changed if it becomes necessary.*

*As a final point the Department notes from the legislation that the structures should be capable of being taken away within 20 minutes and urge the Council to ensure that any licence that it grants ensures that the permitted structures can be taken down within that timeframe”.*

The Building Control Manager advised that officers had engaged with DfI-Roads in relation to its comments and requested that a public safety risk assessment be provided in support of its representation, however, this had not been carried out by the Department. He further advised that City Picnic had submitted an application for a new location in Castle Street with which DfI-Roads was generally content. The public notice period for objections had expired and officers were awaiting comments from the PSNI in relation to the new location which would determine the outcome of the temporary licence application in Castle Street.

From a political perspective, a Member relayed frustration in relation to how the matter had been dealt with by DfI and asked what the Committee could do to support the businesses over the Christmas period.

A Member, acting as a representative for the area, referred to the unreasonable and unfair pressure which had initially been put on the businesses to remove the street furniture before the Council had considered the issue. The Member criticised DfI's vehicle-first approach to the city centre despite the Council having made it clear it wanted

**Licensing Committee,  
Wednesday, 14th December, 2022**

to see transformation. In the absence of the Stormont Assembly, the Member stated that DfI were ignoring the biggest democratic, elected body in the region and the mandate the Members had been given. He agreed that peoples' safety should be paramount but did not accept that this could only be achieved by reopening the street to traffic. The Member asked the Committee to continue to enable the businesses to continue operating outdoors; and invited senior DfI officials to address the Committee on what steps they were taking to enable more pavement licences to be granted in the city centre, and what plans it had for more pedestrianised zones which would provide for cafes, street markets and entertainment in line with the expressed will of the Council.

The Chairperson referred to the public safety risk assessment and asked why DfI-Roads had not carried out the assessment given it was the expert in road safety. The Chairperson invited DfI-Roads to respond.

In response, Mr. D. McFarlane, Divisional Roads Manager reported that DfI-Roads had been working closely with the Council on a range of measures throughout the city centre including on the issue around active travel and public transport. He continued that there was a lot happening and there was still a lot to happen under the remit of the Climate Change Act. In terms of these 2 pavement café licences, he advised that DfI-Roads had been acting as consultees to provide a roads input in relation to roads safety which was effectively what had been done. He stated that the pavement café opportunity had been a temporary measure as a result of the Primark fire which had closed the road, however, the road had been reopened creating road safety issues. Mr. McFarlane reiterated DfI-Road's concerns and assessment of public risk referred to in its response. In relation to the public safety risk assessment, he stated that the Council might wish to get an independent view of the risks given that some of the Members had not accepted DfI's analysis.

The Chairperson welcomed Mr. A. McAnerney and Mr. G. Gregg from City Picnic and invited them to make their representation.

Mr. Gregg advised that he and Mr. McAnerney were extremely fearful as he expected that in 6 months the business would be asked to move to allow for the area to be opened up to buses. He stressed that times were tough for the business and that it was a sad indictment of what was going on in Belfast. He stated that businesses needed this help. He continued that the reversing of cars and deliveries had been going on in the area for 8 years.

Mr. D. McFarlane, Divisional Roads Manager was invited to respond to the points raised by Mr. G. Gregg. He referred to the climate crisis and the model shift from the private car to public transport and active travel. He stated that there were no plans for buses in the area, however, he couldn't provide certainty but there was a need to be cognisant of the climate challenge. He disagreed with Mr. Gregg's statement about the 8-years and reiterated DfI-Road's concerns around road safety.

The Committee agreed to defer the review of the Pavement Café Licence until the application for the new location in Castle Street was complete. In addition, Members requested representatives from DfI Roads be invited to attend the Committee to outline

**Licensing Committee,  
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their plans for the development of the city centre and for officers to ascertain what plans Translink had for the area.



<b>Subject:</b>	<b>Review of Pavement Café Licence – City Picnic, Fountain Street</b>
<b>Date:</b>	14th December, 2022
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext 2435
<b>Contact Officer:</b>	James Cunningham, Senior Licensing Officer, ext 3375

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

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

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>
1.1	The Committee is reminded that, at its meeting on 16th November, it considered the review of two Temporary Pavement Café Licences in Fountain Street.
1.2	DfI-Roads had notified the Council that, in its view, the Temporary Pavement Cafés needed to be removed or relocated to facilitate the safe movement of traffic in Fountain Street, following its reopening to vehicular traffic.
1.3	The Committee, after hearing from DfI-Roads and representatives from City Picnic and Voodoo (the licensees), deferred making any decision to enable further information to be obtained.
1.4	A copy of the report and the minutes of the meeting of 16 November are attached as Appendix 1.

<b>2.0</b>	<b>Recommendations</b>
2.1	Taking into account the information presented and the representations received Members are asked to consider the request from DfI Roads Service to revoke the Temporary Pavement Café Licence.
2.2	If the Committee is minded to accede to the DfI request to revoke a Licence, the licensee must be informed that the Committee is minded to do so and in accordance with the Licensing of Pavement Cafés Act (Northern Ireland) 2014 be permitted to make representation regarding the revocation to the Council, with such representations to be made not less than 21 days from the date of notice.
2.3	As a consequence, the actual decision to revoke the Licence will be considered at a meeting of the Committee on a later date. There is a right of appeal to the Magistrate's Court against the revocation of a licence.
<b>3.0</b>	<b>Main Report</b>
3.1	At the meeting in November, the Committee asked for more information from DfI-Roads, which provided an analysis of road safety in the area, to enable it to properly consider the request to revoke the pavement café licences.
3.2	The Committee also asked for confirmation from DfI-Roads on whether Castle Street (portion between Fountain Street and Castle Junction) would remain pedestrianised.
3.3	<p>In response to these queries DfI Roads has commented as follows:</p> <p><i>The Department's view on the café licences for both Voodoo and City Picnic is that they present a danger to vulnerable road users especially pedestrians. This is because they are both placed across a section of Fountain Street that would, ordinarily, be open to two-way traffic. This section of road leads into another section, behind the bollards on Fountain Street, that is pedestrianised save for 6 pm to 11 am. The Cafés obstruct this part of the road. This has led to a number of loading vehicles being forced to reverse to exit both Fountain Street and Castle Street, whereas previously they could have driven through this section. Vehicles, which cannot perform a 'u-turn' on Castle Street can only leave the street by reversing through the traffic light-controlled junction at Queens Street. The Department is concerned that the reversing that the structures require vehicles to undertake could cause a danger to vulnerable road users, such as pedestrians and cyclists, as well as other mechanically propelled road traffic. Additionally, the cafes' structures block access to a car park that is incorporated into the Norwich Union Building, do not facilitate cyclists and may not address specific issues encountered by disabled drivers.</i></p> <p><i>Due to the foregoing, the Department would urge the Council to not renew the licences on Fountain Street.</i></p> <p><i>If the Council does not agree with the Department on this question, the Department would then request the structure and associated café furniture would not be in place between the hours of 6 pm and 11 am to mirror the times when Fountain Street pedestrianised zone is open to loading traffic. This will allow the free flow of traffic for loading vehicles, important to other businesses in the area, and reduce the risk for vulnerable road users.</i></p>

	<p><i>The Department would ask that, in making its decision, the Council fully considers the impacts on disabled people and cyclists and is informed by a public safety risk assessment that fully considers all the safety issues associated with the pavement café license applications.</i></p> <p><i>In relation to your query about traffic volumes, I can confirm that the Department does not have either vehicle or pedestrian counts for the periods before or after the closure.</i></p> <p><i>In relation to the pedestrianisation of Castle Street, in front of City Picnic, I can confirm that the Department has currently restricted all vehicles from using Castle Street between Royal Avenue to Fountain Street with the exception of cyclists under the powers conferred on it by Article 7 of the Road Traffic Regulations (Northern Ireland) Order 1997. This restriction will last until 1 April 2024 however this can be superseded or changed if it becomes necessary.</i></p> <p><i>As a final point the Department notes from the legislation that the structures should be capable of being taken away within 20 minutes and urge the Council to ensure that any licence that it grants ensures that the permitted structures can be taken down within that timeframe.</i></p>
3.4	Officers are engaging with DfI Roads in relation to these comments and will provide a verbal update at your meeting if required.
3.5	A representative from DfI Roads will be available at your meeting should Members wish to seek any further clarification on these matters.
	<b><u>City Picnic</u></b>
3.6	As previously reported, Mr. Arthur McAnerney is the licensee for the Temporary Pavement Café Licence associated with City Picnic, Unit 5 McAuley House, 2-6 Castle Street. The current pavement café is located in the middle of Fountain Street close to the junction with Castle Street.
3.7	Mr. McAnerney has submitted a new application for a Temporary Pavement Café in Castle Street in the remaining closed portion between the junction of Fountain Street and Castle Junction.
3.8	DfI Roads has examined drawings provided in relation to the alternative site for City Picnic's pavement café on Castle Street and is generally content. The Department has asked that the Council ensures that furniture is erected in accordance with the drawings as any deviation from this may impede the passage of pedestrians and cyclists.
3.9	At the time of writing this report, a licence cannot be issued as the statutory period within which representations to the application may be made has not yet expired.
3.10	Mr. McAnerney has been invited to the meeting, should Members wish to seek any further information about the application.
	<b><u>Financial and Resource Implications</u></b>
3.11	None.
	<b><u>Equality and Good Relations Implications/Rural Needs Assessment</u></b>
3.12	There are no issues associated with this report.

<b>4.0</b>	<b>Documents Attached</b>
	<del>Minutes of the previous meeting and reports pack</del>



### **Licensing Committee**

Wednesday, 16th November, 2022

#### **Review of Pavement Café Licence – City Picnic, Fountain Street**

The Building Control Manager provided an overview of the review of the Pavement Café Licence and requested that the Members consider representations from DfI-Roads in relation to City Picnic's temporary Pavement Café Licence which had been impacted by the re-opening of Fountain Street at its junction with Castle Street.

The Committee was reminded that the Council, in June 2020, decided to introduce a temporary process for considering pavement café applications to assist the hospitality sector during the pandemic. The temporary Pavement Café Licensing Scheme was extended by the Council in September 2022 and would expire on 30th September 2023.

City Picnic restaurant had been granted a temporary Pavement Café Licence in Fountain Street, close to the junction with Castle Street. When this licence was granted this portion of Fountain Street was closed to vehicular traffic. DfI-Roads had advised the licensee that pavement café space may be available on Castle Street in the portion that would remain closed to traffic and that they would also consider any other proposals for alternative locations to which the café could be relocated.

Council Officers had met with the licensee for City Picnic and had advised him to engage with DfI-Roads about potential options for relocation of his pavement cafe and that revised site plans based on these discussions should then be submitted to the Council for formal consultation with DfI-Roads thereafter.

Mr. Arthur McAnerney the licensee for the Temporary Pavement Café Licence had submitted new plans for the relocation to Castle Street in the remaining closed portion between the junction of Fountain Street and Castle Junction. Mr McAnerney was engaging with DfI and Building Control staff to ensure that all documentation and technical information was in place.

The Building Control Manager advised that should the Committee decide to revoke the licence, the Council was required to notify the licensee of its intention, stating the grounds for doing so and that representations may be made by the licence holder.

It was reported that Mr. D. McFarlane, Divisional Roads Manager and Mr. G. Lawther, Development Control Manager were in attendance on behalf of DfI-Roads, as were Mr. A. McAnerney, the Licensee and his business partner Mr G. Gregg. The Chairman invited DfI to deliver their representation.

Mr. McFarlane provided the Committee with a timeline from 2017 and referred to the situation caused by the Primark fire which had turned Fountain Street into a temporary cul-de-sac. He also referred to the temporary Pavement Café Licence Scheme which arose out of the Covid-19 pandemic in which DfI had been a consultee. He advised that

**Licensing Committee,  
Wednesday, 16th November, 2022**

City Picnic and Voodoo had been granted applications on the basis that they were operating not in the middle of public road but on a temporary cul-de-sac. Therefore, Dfl had worked with the Council and the 2 applications had been approved based on the fact that they were temporary, and when Primark reopened it would revert back to being a public road. Mr. McFarlane informed the Committee that he was not aware of any other pavement café in Belfast being located on a public road. He stated that unknown to Dfl the temporary licences were extended by the Council in September this year. He added that when Primark opened on 1st November the hoarding had been removed and the road reverted back to being a live public road. At this point, Council and Dfl met with City Picnic and Voodoo. He explained that Dfl were in a position to offer an alternative arrangement to City Picnic whereby they could move the pavement café to Castle Street. Mr McFarlane stated that it was his understanding that there had been no formal application made for this but Dfl were content to work with City Picnic on the matter. He explained that the issue arising from the pavement cafés not relocating would introduce the need for service vehicles servicing Fountain Street to reverse which would create a significant probability of a serious accident occurring and Dfl could not accept that risk.

A Member asked Dfl if any other businesses in the area had complained in relation to deliveries. Mr. McFarlane replied that there had been no other complaints and reiterated that the current arrangement was dangerous and it was a safety issue caused by the blocking of a public road. Another Member asked if the reverting of this arrangement was to facilitate Primark alone. Mr McFarlane stated that it was a case of returning the road network to pre-Primark fire arrangements. In response to a question from a Member as to which businesses were being serviced by the deliveries, Mr. McFarlane could not confirm but stated he had observed 9 vehicles reversing in one day. He provided details of previous servicing arrangements for deliveries whereby there was no need for vehicles to reverse in that part of Fountain Street. He stated that access to the Norwich Union car park was proving difficult too because of the location of the pavement cafés.

A Member asked Mr. McFarlane if there was vehicular access from Fountain Street to Wellington Place. He confirmed that traffic can reverse from that area as it was wider and was an open public road. Another Member asked if there was data available in relation to increased traffic for the Council to examine. Mr. McFarlane reiterated the fact that large vehicles were reversing in Fountain Street and Dfl would not accept the risk.

A Member voiced concerns in relation to the reversing of the reported 9 vehicles in Fountain Street given the level of footfall in the area and would like to hear the views from other traders in the area before any decision was reached. Mr. McFarlane referred to vacant shop frontages at Norwich Union House which could provide a solution and maintain the safe passage of vehicles.

A Member expressed empathy with City Picnic and Voodoo and recognised the complex situation and asked who would be liable if a pedestrian was hit by a reversing vehicle. The Member referred to stakeholder conversations to date and asked if the objective of the conversations was to find a solution that suited all whilst keeping pedestrians safe. Mr. Lawther responded that good progress had been made to date and

**Licensing Committee,  
Wednesday, 16th November, 2022**

reiterated that from a DfI perspective the current Pavement Café Licence arrangement in Fountain Street would never have been acceptable albeit the road was temporarily closed and formalised by DfI to facilitate it, and that Fountain Street now had no need to be closed.

The Chairperson welcomed Mr. A. McAnerney and Mr. G. Gregg from City Picnic and invited them to make their representation.

Mr. Gregg welcomed the opportunity to put City Picnic's case across and informed the Committee that the process had been started to move the pavement café from Fountain Street to Castle Street given it was pedestrianised and would bring vibrancy to that area. He stated that they had been coerced and put under pressure to move to Castle Street. Mr. Gregg referred to DfI's position of reverting to the original road network and added that the world had changed over the last 4 years since the Primark fire and the pandemic in terms of looking at pedestrianisation and the vibrancy of the city specifically in relation to Fountain Street. Although he agreed with the safety issues, Mr. Gregg questioned the need to revert to the original road network and suggested arriving at a solution that fits all such as a one-way system. He explained that before the Primark fire he had claimed 6 times for ripped awnings caused by reversing lorries. He referred to the access to the Norwich Union carpark and expressed his concerns about the safety of the building. Mr. Gregg informed the Committee that he would welcome further consultation with DfI and described the matter as a 'knee jerk' reaction to get the road open quickly.

A Member referred to her recent engagement with City Picnic, Voodoo, DfI and with Council Officers as it was of great concern. The Member expressed frustration as to how the matter had been handled by DfI and described how the Department's approach had been unreasonable. The Member asked the Committee to look favourably on City Picnic's new licence application when it came forward as the business needed certainty.

Another Member stated she didn't agree with the licence being revoked as the pavement café had created vibrancy in the area which had helped the business and in turn boosted the economy. The Member stated that if properly managed, the pavement café and the servicing arrangements could operate together safely and agreed with other speakers that there should be more conversations to find an alternative plan.

The Chair stated he agreed with the sentiment of all the speakers and asked City Picnic if they were content to move to Castle Street. Mr. Gregg confirmed he was content to move but needed certainty in relation to whether or not Castle Street would remain pedestrianised or not. Discussion ensued in relation to pedestrianisation, finding a safe and holistic solution and to 'build back better'. A Member referred to the thousands of students that were now in the area which had created a moving population so there was a need to think differently in a more innovative and creative way.

A Member raised the matter of liability which had not been answered. The Interim City Solicitor/Director of Legal and Civic Services confirmed that ultimately liability would be with the driver.

**Licensing Committee,  
Wednesday, 16th November, 2022**

A Member referred to the Council's vision for the city and noted the frustration with DfI in this regard. The Member asked if the matter was deferred would the responsibility lie with DfI to look at the safety of pedestrians in that area. Mr. McFarlane replied that it had been looked at and DfI had made the Council aware of the risk and the only safe option was to provide circular movement for vehicles. Mr. Lawther advised that DfI had started to consider the larger picture of pedestrianisation in the city and there was a commitment to discuss this further. He reiterated that his concern was that Fountain Street was a public road and the pavement café licence was sat on a public road and it was not for the Council to decide whether it was closed or not.

The Committee agreed to defer the review of the Pavement Café Licence to enable all stakeholders to discuss the matter further to find a solution and mutual consensus.



<b>Subject:</b>	<b>Review of Pavement Café Licence – City Picnic, Fountain Street</b>
<b>Date:</b>	16th November, 2022
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	James Cunningham, Senior Licensing Officer, ext. 3375

<b>Restricted Reports</b>	
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"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

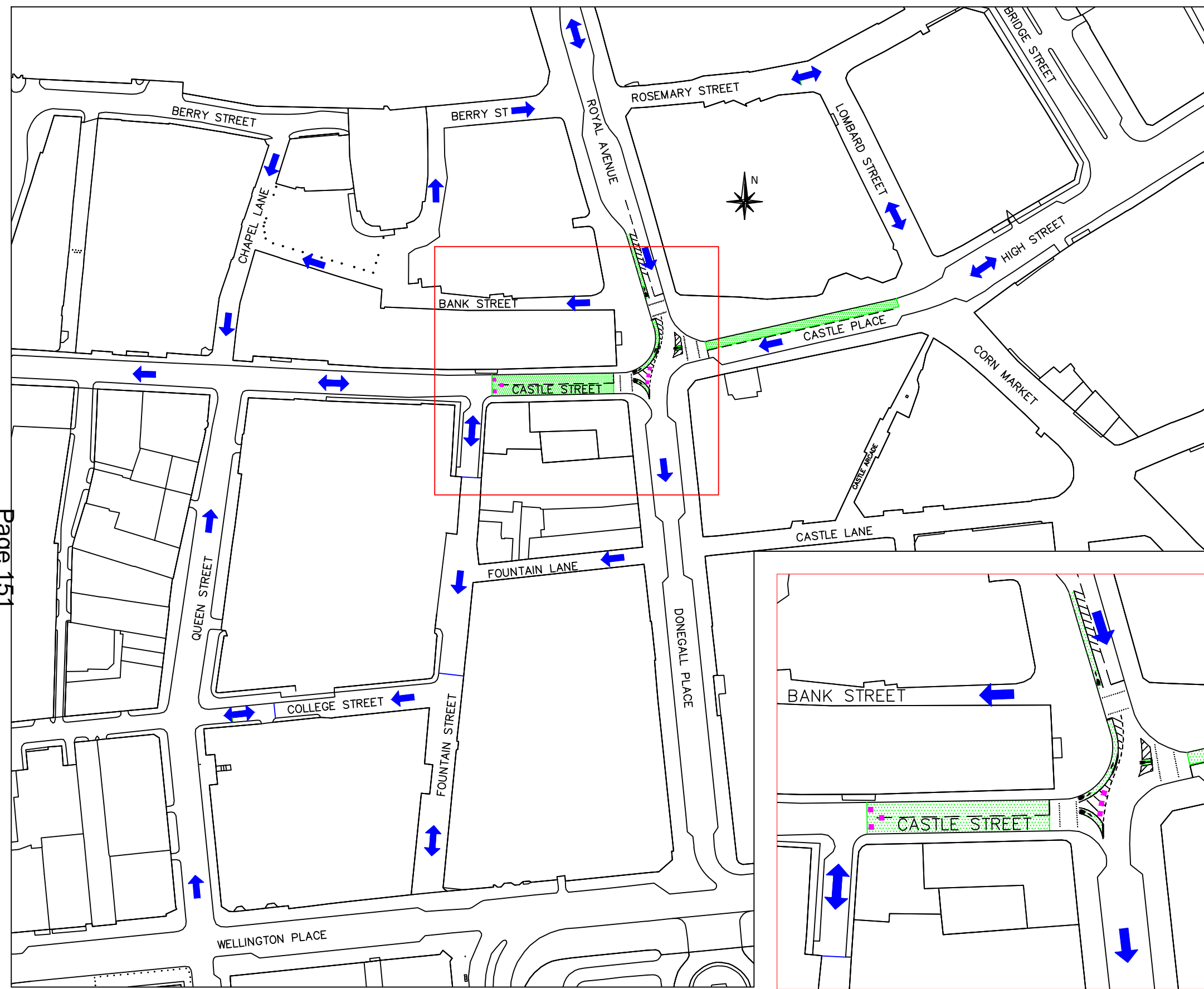
<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>
1.1	To consider representations from DfI-Roads in relation to City Picnic's Temporary Pavement Café Licence, which is impacted by the re-opening of Fountain Street, at its junction with Castle Street.
<b>2.0</b>	<b>Recommendations</b>
2.1	Taking into account the information presented and the representations received, the Committee is asked to consider the request from DfI Roads Service to revoke the Temporary Pavement Café Licence.
2.2	If the Committee is minded to agree to the DfI request to revoke the Licence, the licensee must be informed to that effect and, in accordance with the Licensing of Pavement Cafés Act (Northern Ireland) 2014, be permitted to make representation regarding the revocation to the Council, with such representations to be made not less than 21 days from the date of notice.

2.3	As a consequence, the actual decision to revoke the Licence will be considered at a meeting of the Committee on a later date. There is a right of appeal to the Magistrate's Court against the revocation of a licence.
3.0	<b>Main Report</b>
	<b><u>Representations from DfI - Roads</u></b>
3.1	DfI-Roads has notified the Council that, with Primark re-opening and the hoarding being removed from around the building, it intends to return the road network to pre-Primark fire arrangements in the area, with the exception being the limitation on Translink buses where control continues to be exercised through the closure of Castle Street to traffic (between Fountain Street and Donegall Place).
3.2	A map from DfI-Roads showing traffic arrangements is attached at Appendix A.
3.3	One of the key reasons for returning to pre-fire arrangements is the servicing arrangements and parking for disabled users both of which were impacted in the vicinity of Fountain Street and Castle Street by the Primark fire and associated closures, which were unavoidable. When the roads were closed, it led to some difficult servicing arrangements, which required the reversing of vehicles. This increase in risk had to be balanced with the public safety risks associated with the Primark building and on balance were considered to be the 'least worst' option at that time.
3.4	Returning the road network to pre-Primark fire arrangements will allow servicing vehicles to revert to the safer option of driving forward between Castle Street and Fountain Street as historically was the case. DfI-Roads advises that it would not be considered appropriate to maintain the existing servicing arrangements (reversing vehicles), in the interests of road safety, which is of paramount importance to the Department.
3.5	DfI-Roads has notified the Council that, in its view, City Picnic's Temporary Pavement Café needs to be removed or relocated to facilitate the safe movement of vehicular traffic.
3.6	Representatives from DfI-Roads will be available at your meeting to outline their concerns in relation to road safety.
	<b><u>Temporary Pavement Café Licensing Scheme</u></b>
3.7	The Committee is reminded that the Council, in June 2020, decided to introduce a temporary process for considering pavement café applications to assist the hospitality sector during the pandemic. The temporary pavement café licensing scheme was extended by the Council in September 2022 and will expire on 30th September 2023.
3.8	The Council has granted City Picnic restaurant a Temporary Pavement Café Licence in Fountain Street, close to the junction with Castle Street. When this licence was granted this portion of Fountain Street was closed to vehicular traffic.
3.9	DfI-Roads has advised the licensee that pavement café space may be available on Castle Street in the portion that will remain closed to traffic and that they will also consider any other proposals for alternative locations to which the café could be relocated.
3.10	Council officers have met with the licensee for City Picnic and have advised him to engage with DfI-Roads about potential options for relocation of his pavement cafe and that revised

	<p>site plans based on these discussions should then be submitted to the Council for formal consultation with DfI-Roads thereafter.</p> <p><b><u>Options available within the scope of the Pavement Café legislation</u></b></p>
3.11	The Pavement café legislation allows the Council, if it is satisfied that any part of the public area where the pavement café is permitted is going to become unsuitable for that purpose, or that continuing to place furniture in that area is likely to result in undue interference or inconvenience to persons or vehicles in the vicinity to revoke the licence.
3.12	Alternatively, the Committee may decide that, further to the representations of DfI-Roads, that it is not satisfied that the area where the pavement café is permitted is going to become unsuitable for that purpose or that continuing to place furniture in that area is likely to result in undue interference or inconvenience to persons or vehicles in the vicinity.
3.13	To move the pavement café from its current location requires the licence to be revoked or surrendered and an application made for the new location. This is to protect the integrity of the application process by giving neighbours or regular users of the pavement in the vicinity, an opportunity to comment on the suitability of the revised plan.
	<p><b><u>Notification of Revocation</u></b></p>
3.14	Should the Committee decide to revoke the licence, the Council is required to notify the licensee of its intention, stating the grounds for doing so and that representations may be made by the licence holder.
3.15	The Council must provide the licensee with at least 21 days from the date of notification to make representation unless it considers that there are particular circumstances which are in the public interest that make it necessary to consider a shorter period.
3.16	However, there is scope in the Act that the Council may decide to revoke a pavement café licence even though no notification has been given. Based on the DfI-Roads representations Committee may therefore consider if it is in the 'public interest' to revoke, the licence without giving 21 days notice.
3.17	Before deciding whether to revoke the licence, the Council must take into account any representations made by the licence holder within the period.
	<p><b><u>City Picnic</u></b></p>
3.18	Mr. Arthur McAnerney is the licensee for the Temporary Pavement Café Licence associated with City Picnic, Unit 5 McAuley House, 2-6 Castle Street, Belfast. The current pavement café is located in the middle of Fountain Street, close to the junction with Castle Street.
3.19	Mr. McAnerney has submitted new plans for the re-location of his Temporary Pavement Café to Castle Street in the remaining closed portion between the junction of Fountain Street and Castle Junction.
3.20	Mr McAnerney is engaging with DfI and Building Control staff to ensure that all documentation and technical information is in place.
3.21	At the time of writing this report, final agreement is not in place regarding the relocation.

3.22	<p><b><u>Financial and Resource Implications</u></b></p> <p>None.</p>
3.23	<p><b><u>Equality and Good Relations Implications/Rural Needs Assessment</u></b></p> <p>There are no issues associated with this report.</p>
<b>4.0</b>	<b>Documents Attached</b>
	<p>Appendix A – Traffic Map</p> <p>Appendix B – Existing Layout Plan</p>





Direction of travel marked...➡  
Areas for 'cyclists only' marked...  
Location of planters marked...■

NO.	REVISION	DATE
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Appendix A

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Project  
**CITY CENTRE**

Title  
**DELIVERY ARRANGEMENTS  
NOVEMBER 2022**

FILE NO.	DESIGNED	date
DRAWN	CHECKED	date
TRACED	APPROVED	date

Drg. No. Revision

Scales

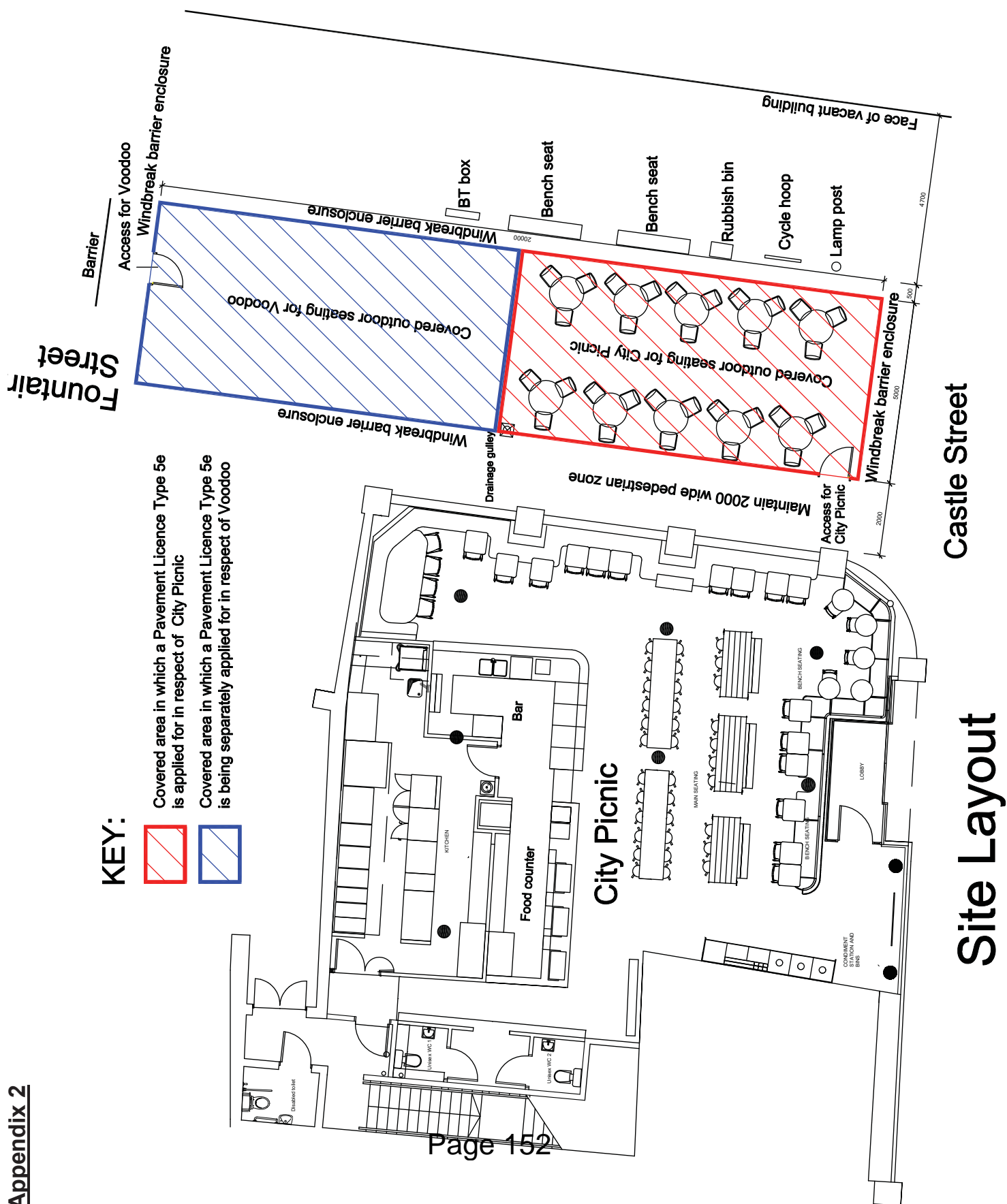
Eastern Division

Annex 7  
Castle Buildings  
Stormont Estate  
Belfast  
BT4 3SQ

Telephone: 0300 200 7893  
Textphone: 028 90540022

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**Infrastructure**  
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**Belfast**  
City Council

## LICENSING COMMITTEE

<b>Subject:</b>	<b>Review of Pavement Café Licence – Voodoo, Fountain Street</b>
<b>Date:</b>	12th April, 2023
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, Ext 2435
<b>Contact Officer:</b>	James Cunningham, Senior Licensing Officer, Ext 3375

<b>Restricted Reports</b>	
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"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>
1.1	The Committee is reminded that, at your meetings in November and December 2022, you considered the review of two Temporary Pavement Café Licences in Fountain Street.
1.2	DfI-Roads had notified the Council that, in its view, the Temporary Pavement Cafés needed to be removed or relocated to facilitate the safe movement of traffic in Fountain Street following its reopening to vehicular traffic.
1.3	The Committee agreed to defer the review of the Voodoo's Pavement Café Licence until a formal application had been submitted by Voodoo for a new location, adjacent to Norwich Union House and that agreement was reached with DfI on the suitability of this location.

1.4	In addition, the Committee requested that representatives from DfI Roads be invited to attend Committee to outline their plans for the development of the city centre and for officers to ascertain what plans Translink had for the area.
1.5	A copy of the report and the minutes of 16th November and 14th December are attached.

<b>2.0</b>	<b>Recommendations</b>
2.1	Taking into account the information presented and the representations received, the Committee is asked to consider the request from DfI Roads Service to revoke the Temporary Pavement Café Licence.
2.2	If the Committee is minded to agree to the DfI request to revoke a Licence, the licensee must be informed that the Committee is minded to do so and, in accordance with the Licensing of Pavement Cafés Act (Northern Ireland) 2014, be permitted to make representation regarding the revocation to the Council, with such representations to be made not less than 21 days from the date of notice.
2.3	As a consequence, the actual decision to revoke the Licence will be considered at a meeting of the Committee on a later date. There is a right of appeal to the Magistrate's Court against the revocation of a licence.
<b>3.0</b>	<b>Main Report</b>
3.1	At your meeting in December, Members had asked for representatives from DfI Roads to be invited to attend the Committee to outline their plans for the development of the city centre and for officers to ascertain what plans Translink had for the area.
3.2	The Committee is reminded that matters pertaining to transport planning and policy in the City is dealt with by the Council's City Regeneration team, via the Council's City Growth and Regeneration Committee.
3.3	DfI is currently developing the Belfast Metropolitan Transport Plan (BMTP), in line with the Executive Commitments under the Climate Action Plan. The initial stage of this work will concentrate on Belfast City Centre and strategic public transportation connections and will involve modelling of options to recommend the optimum network for the city centre transportation requirements to deliver on the Department's Climate Action Plan commitments. This work will form a major element of the Department's future plans for the city centre. This work remains in progress, however, DfI has committed to engage with the Council on the emerging findings of the BMTP modelling and it is expected that this will be reported through the City Growth and Regeneration Committee.
3.4	Translink are also due to attend the Council's City Growth and Regeneration Committee, at a date to be confirmed, to outline transportation plans for the City. However this will also be dependent on the outworking's of the BMTP modelling exercise and subsequent recommendations. If Members are in agreement, to avoid the need for duplication, arrangements can be made for this Committee to attend the City Growth and Regeneration Committee and hear of these plans.
3.5	A representative from DfI Roads has been invited to your meeting to outline their plans for the development of the city centre.

	<b><u>Voodoo</u></b>
3.6	As previously reported, Mr. Ciaran Smyth is the Licensee for the Temporary Pavement Café Licence associated with Voodoo, 9-11 Fountain Street. The current pavement café is located in the middle of Fountain Street close to the junction with Castle Street.
3.7	The Committee is reminded that it had deferred the review of Voodoo's Pavement Café Licence until a formal application was submitted by Voodoo for a new location adjacent to Norwich Union House and that agreement was reached with DfI on the suitability of this location.
3.8	Mr. Smyth has now submitted an application for a site adjacent to Norwich Union.
3.9	Following statutory consultation, no objections were received from either DfI Roads or the PSNI and there were no objections arising from the public notice of the application. Therefore, a Temporary Pavement Café Licence has now been granted to Mr. Ciaran Smyth for Fountain Street, adjacent to Norwich Union House under delegated authority.
3.10	The Committee should now consider the request to initiate the revocation of City Picnic's Pavement Café Licence in the middle of Fountain Street.
	<b>Notification of Revocation</b>
3.11	Should the Committee decide to revoke the licence, the Council is required to notify the Licensee of our intention, stating the grounds for doing so and that representations may be made by the licence holder.
3.12	The Council must provide the licensee with at least 21 days from the date of notification to make representation unless it considers that there are particular circumstances which are in the public interest that make it necessary to consider a shorter period.
3.13	However, there is scope in the Act that the Council may decide to revoke a pavement café licence even though no notification has been given. Based on the DfI-Roads representations Committee may therefore consider if it is in the 'public interest' to revoke, the licence without giving 21 days' notice. Members are reminded that this matter has now been deferred twice.
3.14	Before deciding whether to revoke the licence the council must take into account any representations made by the licence holder within the period.
	<b><u>Financial and Resource Implications</u></b>
3.15	None.
	<b><u>Equality and Good Relations Implications/Rural Needs Assessment</u></b>
3.16	There are no issues associated with this report.
<b>4.0</b>	<b>Documents Attached</b>
	Appendix 1 – Minute and Committee report of 14th December, 2022
	Appendix 2 – Minute and Committee report of 16th November, 2022

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## **Licensing Committee**

Wednesday, 14th December, 2022

### **Review of Pavement Café Licence – Voodoo, Fountain Street**

The Chairman welcomed Mr. Feargal Smyth, Manager of Santeria, who joined the meeting to represent Voodoo on behalf of Mr. Ciaran Smyth. Due to his inability to attend the Committee, Mr. C. Smyth had sent a written submission which had been circulated to the Members in advance of the meeting. The Chairperson invited Mr. F. Smyth to deliver his representation.

Mr. F. Smyth highlighted the importance of the outside area as an extension to Voodoo which was essentially a music venue as well as a bar and that it would not be good for the business if it was taken away. He stated that the business would move the outside area to the new proposed area, however, the business would need 21 days over the Christmas period as it would be difficult to move it in such a busy period. He further stressed the importance of the outside area.

The Building Control Manager informed the Committee that the application for Voodoo was at the preliminary stage and until an application was received the Council could not formally consult with DfI-Roads. He clarified the legislative process around the 21 days notice period that the Council were required to give a licensee if it was minded to revoke their licence.

The Committee agreed to defer the review of the Pavement Café Licence until a formal application was submitted by Voodoo for a new location adjacent to Norwich Union House and that agreement was reached with DfI on the suitability of this location. In addition, Members requested representatives from DfI Roads be invited to attend the Committee to outline their plans for the development of the city centre and for officers to ascertain what plans Translink had for the area.



<b>Subject:</b>	<b>Review of Pavement Café Licence – Voodoo, Fountain Street</b>
<b>Date:</b>	14th December, 2022
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext 2435
<b>Contact Officer:</b>	James Cunningham, Senior Licensing Officer, ext 3375

<b>Restricted Reports</b>	
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"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>
1.1	The Committee is reminded that, at its meeting on 16th November, it considered the review of two Temporary Pavement Café Licences in Fountain Street.
1.2	DfI-Roads had notified the Council that, in its view, the Temporary Pavement Cafés needed to be removed or relocated to facilitate the safe movement of vehicular traffic in Fountain Street, following its reopening to vehicular traffic.
1.3	The Committee, after hearing from DfI-Roads and representatives from City Picnic and Voodoo (the licensees) deferred making any decision to enable further information to be obtained.
1.4	A copy of the report and the minutes of the meeting of 16th November are attached.



<b>2.0</b>	<b>Recommendations</b>
2.1	Taking into account the information presented and the representations received Members are asked to consider the request from DfI Roads Service to revoke the Temporary Pavement Café Licence.
2.2	If the Committee is minded to accede to the DfI request to revoke a Licence, the licensee must be informed that the Committee is minded to do so and in accordance with the Licensing of Pavement Cafés Act (Northern Ireland) 2014 be permitted to make representation regarding the revocation to the Council, with such representations to be made not less than 21 days from the date of notice.
2.3	As a consequence, the actual decision to revoke the Licence will be considered at a meeting of the Committee on a later date. There is a right of appeal to the Magistrate's Court against the revocation of a licence.
<b>3.0</b>	<b>Main Report</b>
3.1	At the meeting in November, the Committee asked for more information from DfI-Roads, which provided an analysis of road safety in the area, to enable it to properly consider the request to revoke the pavement café licences.
3.2	The Committee also asked for confirmation from DfI-Roads on whether Castle Street (portion between Fountain Street and Castle Junction) would remain pedestrianised.
3.3	<p>In response to these queries, DfI Roads has commented as follows:</p> <p><i>The Department's view on the café licences for both Voodoo and City Picnic is that they present a danger to vulnerable road users especially pedestrians. This is because they are both placed across a section of Fountain Street that would, ordinarily, be open to two-way traffic. This section of road leads into another section, behind the bollards on Fountain Street, that is pedestrianised save for 6pm to 11am. The Cafés obstruct this part of the road. This has led to a number of loading vehicles being forced to reverse to exit both Fountain Street and Castle Street, whereas previously they could have driven through this section. Vehicles, which cannot perform a 'u-turn' on Castle Street can only leave the street by reversing through the traffic light-controlled junction at Queens Street. The Department is concerned that the reversing that the structures require vehicles to undertake could cause a danger to vulnerable road users, such as pedestrians and cyclists, as well as other mechanically propelled road traffic. Additionally, the cafes' structures block access to a car park that is incorporated into the Norwich Union Building, do not facilitate cyclists and may not address specific issues encountered by disabled drivers.</i></p> <p><i>Due to the foregoing, the Department would urge the Council to not renew the licences on Fountain Street.</i></p> <p><i>If the Council does not agree with the Department on this question the Department would then request the structure and associated café furniture would not be in place between the hours of 6 pm and 11 am to mirror the times when Fountain Street pedestrianised zone is open to loading traffic. This will allow the free flow of traffic for loading vehicles, important to other businesses in the area, and reduce the risk for vulnerable road users.</i></p>

	<p><i>The Department would ask that, in making its decision, the Council fully considers the impacts on disabled people and cyclists and is informed by a public safety risk assessment that fully considers all the safety issues associated with the pavement café license applications.</i></p> <p><i>In relation to your query about traffic volumes, I can confirm that the Department does not have either vehicle or pedestrian counts for the periods before or after the closure.</i></p> <p><i>In relation to the pedestrianisation of Castle Street, in front of City Picnic, I can confirm that the Department has currently restricted all vehicles from using Castle Street between Royal Avenue to Fountain Street with the exception of cyclists under the powers conferred on it by Article 7 of the Road Traffic Regulations (Northern Ireland) Order 1997. This restriction will last until 1 April 2024 however this can be superseded or changed if it becomes necessary.</i></p> <p><i>As a final point, the Department notes from the legislation that the structures should be capable of being taken away within 20 minutes and urge the Council to ensure that any licence that it grants ensures that the permitted structures can be taken down within that timeframe.</i></p>
3.4	Officers are engaging with DfI Roads in relation to these comments and will provide a verbal update at your meeting if required.
3.5	A representative from DfI Roads will be available at your meeting should Members wish to seek any further clarification on these matters.
	<b><u>Voodoo</u></b>
3.6	As previously reported, Mr. Ciaran Smyth is the Licensee for the Temporary Pavement Café Licence associated with Voodoo, 9-11 Fountain Street. The current pavement café is located in the middle of Fountain Street, close to the junction with Castle Street and adjacent to the area used by City Picnic.
3.7	Council officers have spoken with Mr. Smyth regarding finding a suitable location to relocate to in Fountain Street. A proposed plan for a new location of his pavement café has now been submitted and this will be subject to discussion with DfI Roads.
3.8	Mr. Smyth has been invited to the meeting should Members wish to seek any further information about the application.
	<b><u>Financial and Resource Implications</u></b>
3.9	None.
	<b><u>Equality and Good Relations Implications/Rural Needs Assessment</u></b>
3.10	There are no issues associated with this report.
<b>4.0</b>	<b>Documents Attached</b>
	<del>Minutes of previous meeting and reports pack</del>

## **Licensing Committee**

Wednesday, 16th November, 2022

### **Review of Pavement Café Licence – Voodoo, Fountain Street**

The Chairperson welcomed Mr. C. Smyth, Licensee and invited him to make his representation.

Mr. Smyth clarified that despite being granted a second temporary Pavement Café Licence, he was unable to establish the Santeria cocktail bar, 19 Fountain Street as the land was currently being adversely possessed by the owner of 23 Fountain Street who had taken a legal action to prevent the café being put there. He added that if the land had been the property of the owner of 23 Fountain Street, then he shouldn't have been granted a pavement café licence. Mr. Smyth advised that he had informed DfI of this matter to which DfI had declined interest. He informed the Committee that the only pavement café Voodoo had was the one shared with City Picnic in the middle of Fountain Street. He informed the Committee that the ambition for the area was to create vibrancy with limited investment due to the temporary arrangement which had been recognised by the Committee. He highlighted that energy costs were now more of an issue than Rates costs which had resulted in businesses closing. He stated that it was gracious of the Council to extend the temporary pavement café arrangement. He referred to the 4-day notice from DfI to vacate which had led him to seek political and media support which had bought time. He referred to the option of moving alongside Norwich Union House which was a possibility however, the matter of the demolition of Norwich Union House was live. He advised the Committee that he had had discussions with McAleer and Rushe who had informed him that the demolition of Norwich Union House would not take place for about 4 months due to conservation rules.

Mr. Smyth recognised the safety issues caused by reversing vehicles however, he agreed with a Member's point that the situation needed proper management.

A Member asked Mr. Smyth about the proposal of moving Voodoo's pavement café to Castle Street. He replied that the proposal was never to move to Castle Street as it was too detached from the business. Moving it to Castle Street would create security implications due to removing it from the line of sight especially as Voodoo was largely a night-time business and there were drug and alcohol issues in the area.

Another Member asked if this situation would have an impact on jobs and the business especially on the run up to Christmas. Mr. Smyth stated it would have an impact if the pavement café can't be moved and approved and referred to the current difficulty of hiring staff. Mr. Smyth highlighted the visual improvements to the area which had been created by Voodoo and City Picnic.

Mr. McFarlane asked the Council's legal advisors if the pavement café legislation allowed for a café to be placed on what was technically a public road. He reassured

**Licensing Committee,  
Wednesday, 16th November, 2022**

Mr. Smyth that Dfl would work with him and reminded the Committee it was Dfl that had approached City Picnic in relation to moving to Castle Street. Mr. Lawther added they would continue to work with the licensees to evolve the agreement however, the issue was the occupation of a public road which was open to the public. He asked that these licences be relocated off the public road to a more appropriate space.

The Interim City Solicitor/Director of Legal and Civic Services responded to the issues and criticisms raised by Dfl. She advised that Dfl's decision to re-open the road was in the full knowledge that the pavement café licences would be affected. She referred to the definition of the location for which pavement café licences could be granted; and clarified that pavement café licences may be issued in respect of any public area and was defined by any area the public had access to without payment as of right which includes roads.

A Member expressed that she was glad that the will of the Committee was for deferral and requested more information from Dfl in relation to a proper analysis of road safety in the area.

The Committee agreed to defer the review of the Pavement Café Licence to enable all stakeholders to discuss the matter further to find a solution and mutual consensus.



<b>Subject:</b>	<b>Review of Pavement Café Licence – Voodoo, Fountain Street</b>
<b>Date:</b>	16th November, 2022
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	James Cunningham, Senior Licensing Officer, ext 3375

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

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

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>
1.1	To consider representations from DfI-Roads in relation to Voodoo's Temporary Pavement Café Licence, which is impacted by the reopening of Fountain Street at its junction with Castle Street.

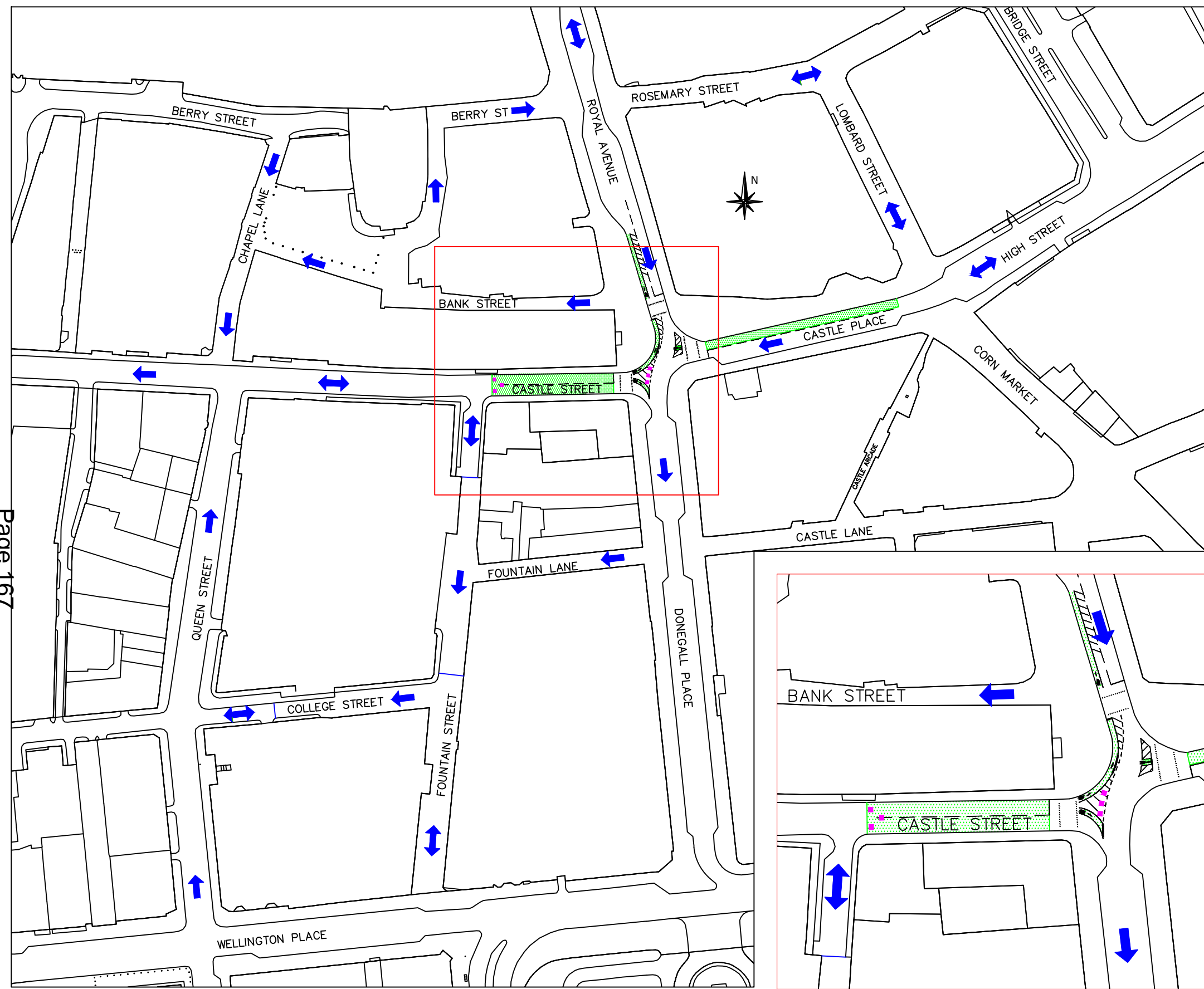
<b>2.0</b>	<b>Recommendations</b>
2.1	Taking into account the information presented and the representations received Members are asked to consider the request from DfI Roads Service to revoke the Temporary Pavement Café Licence.
2.3	If the Committee is minded to agree to the DfI request to revoke a Licence, the licensee must be informed to that effect and, in accordance with the Licensing of Pavement Cafés Act (Northern Ireland) 2014 be permitted to make representation regarding the revocation to the Council, with such representations to be made not less than 21 days from the date of notice.

2.4	As a consequence, the actual decision to revoke the Licence will be considered at a meeting on a later date. There is a right of appeal to the Magistrate's Court against the revocation of a licence.
<b>3.0</b>	<b>Main Report</b>
	<p><b><u>Representations from DfI - Roads</u></b></p> <p>3.1 DfI-Roads has notified the Council that, with Primark re-opening and the hoarding being removed from around the building, it intends to return the road network to pre-Primark fire arrangements in the area. With the exception being the limitation on Translink buses where control continues to be exercised through the closure of Castle Street to traffic (between Fountain Street and Donegall Place).</p> <p>3.2 A map from DfI-Roads showing traffic arrangements is attached at Appendix A.</p> <p>3.3 One of the key reasons for returning to pre-fire arrangements is the servicing arrangements and parking for disabled users both of which were impacted in the vicinity of Fountain Street and Castle Street by the Primark fire and associated closures which were unavoidable. When the roads were closed it led to some difficult servicing arrangements, which required the reversing of vehicles. This increase in risk had to be balanced with the public safety risks associated with the Primark building and on balance were considered to be the 'least worst' option at that time.</p> <p>3.4 Returning the road network to pre-Primark fire arrangements, will allow servicing vehicles to revert to the safer option of driving forward between Castle Street and Fountain Street as historically was the case. DfI-Roads advise that it would not be considered appropriate to maintain the existing servicing arrangements (reversing vehicles), in the interests of road safety, which is of paramount importance to the Department.</p> <p>3.5 DfI-Roads has notified the Council that, in its view, Voodoo's Temporary Pavement Café needs to be removed or relocated to facilitate the safe movement of vehicular traffic.</p> <p>3.6 Representatives from DfI-Roads will be available at your meeting to outline their concerns in relation to road safety.</p> <p><b><u>Temporary Pavement Café Licensing Scheme</u></b></p> <p>3.7 The Committee is reminded that the Council, in June 2020, decided to introduce a temporary process for considering pavement café applications to assist the hospitality sector during the pandemic. The temporary pavement café licensing scheme was extended by the Council in September 2022 and will expire on 30th September 2023.</p> <p>3.8 The Council has granted Voodoo a Temporary Pavement Café Licence in Fountain Street close to the junction with Castle Street. When this licence was granted this portion of Fountain Street was closed to vehicular traffic.</p> <p>3.9 DfI-Roads has advised the licensee that pavement café space may be available on Castle Street, in the portion that will remain closed to traffic and that it will also consider any other proposals for alternative locations to which the café could be relocated.</p> <p>3.10 Council officers have met with the licensee for Voodoo and advised him to engage with DfI-Roads about potential options for relocation of their pavement cafe and that revised site plans</p>

	<p>based on these discussions should then be submitted to the Council for formal consultation with DfI-Roads thereafter.</p> <p><b><u>Options available within the scope of the Pavement Café Legislation</u></b></p>
3.11	The Pavement café legislation allows the Council, if it is satisfied that any part of the public area where the pavement café is permitted is going to become unsuitable for that purpose, or that continuing to place furniture in that area is likely to result in undue interference or inconvenience to persons or vehicles in the vicinity to revoke the licence.
3.12	Alternatively, the Committee may decide that, further to the representations of DfI-Roads, that it is not satisfied that the area where the pavement café is permitted is going to become unsuitable for that purpose, or that continuing to place furniture in that area is likely to result in undue interference or inconvenience to persons or vehicles in the vicinity.
3.13	To move the pavement café from its current location requires the licence to be revoked or surrendered and an application made for the new location. This is to protect the integrity of the application process by giving neighbours or regular users of the pavement in the vicinity, an opportunity to comment on the suitability of the revised plan.
	<p><b><u>Notification of Revocation</u></b></p>
3.14	Should the Committee decide to revoke the licence, the Council is required to notify the Licensee of our intention, stating the grounds for doing so and that representations may be made by the licence holder.
3.15	The Council must provide the licensee with at least 21 days from the date of notification to make representation unless it considers that there are particular circumstances which are in the public interest that make it necessary to consider a shorter period.
3.16	However, there is scope in the Act that the Council may decide to revoke a pavement café licence even though no notification has been given. Based on the DfI-Roads representations Committee may therefore consider if it is in the 'public interest' to revoke, the licence without giving 21 days' notice.
3.17	Before deciding whether to revoke the licence, the council must take into account any representations made by the licence holder within the period.
	<p><b><u>Voodoo</u></b></p>
3.18	Mr. Ciaran Smyth is the Licensee for the Temporary Pavement Café Licence associated with Voodoo, 9-11 Fountain Street, Belfast. The current pavement café is located in the middle of Fountain Street close to the junction with Castle Street and adjacent to the area used by City Picnic.
3.19	The Committee is advised that Mr. Smyth has another Temporary Pavement Café Licence for Santeria, 19 Fountain Street, Belfast. This Licence is not affected by the reopening of Fountain Street.
3.20	Mr. Smyth has been notified of the concerns of DfI-Roads and his response is included at Appendix C. In summary, this states that:

	<ul style="list-style-type: none"> <li>• because of the circumstances which all businesses have been faced with, they have reorientated their offer to make full use of their pavement cafe area and this has been a big help to their business</li> <li>• DfI-Roads is denying the organic growth of the City that local business inspire</li> <li>• he is seeking more time to develop possible alternative plans, and that</li> <li>• he is seeking the Council's help with the development of a satisfactory plan.</li> </ul>
3.21	Mr. Smyth and/or his representatives will be available at your meeting to discuss concerns in relation to the relocation of his Pavement Café.
	<b><u>Financial and Resource Implications</u></b>
3.22	None.
	<b><u>Equality and Good Relations Implications/Rural Needs Assessment</u></b>
3.23	There are no issues associated with this report.
<b>4.0</b>	<b>Documents Attached</b>
	<p>Appendix A – Traffic Map</p> <p>Appendix B – Existing Layout Plan</p> <p>Appendix C - Response from the licensee in relation to DfI - Roads</p>





Direction of travel marked...➡  
Areas for 'cyclists only' marked...  
Location of planters marked...

NO.	REVISION	DATE
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Appendix A

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Project  
**CITY CENTRE**

Title  
**DELIVERY ARRANGEMENTS  
NOVEMBER 2022**

FILE NO.	DESIGNED	date
DRAWN	CHECKED	date
TRACED	APPROVED	date

Drg. No. Revision

Scales

Eastern Division

Annex 7  
Castle Buildings  
Stormont Estate  
Belfast  
BT4 3SQ

Telephone: 0300 200 7893  
Textphone: 028 90540022

Department for  
**Infrastructure**  
An Roinn  
**Bonneagair**  
www.infrastructure-ni.gov.uk

INVESTOR IN PEOPLE



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Subject:	<b>Motion – Industry led Initiatives to Tackle Sexual Harassment within our Night-time Economy</b>
Date:	12th April, 2023
Reporting Officer:	Stephen Hewitt, Building Control Manager (ext: 2435)
Contact Officers:	Darren McCamphill, Lead Building Control Surveyor (ext: 2444)

<b>Restricted Reports</b>	
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"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>
1.1	To provide the Committee with an update on a motion on industry led initiatives to tackle sexual harassment within our night-time economy.
<b>2.0</b>	<b>Recommendation</b>
2.1	The Committee is requested to consider the representation from Hospitality Ulster and the information provided in this report and note the initiatives that are in place or being developed to help tackle sexual harassment within our night-time economy.
<b>3.0</b>	<b>Background</b>
3.1	At the meeting on 12th December 2018, the Committee considered a motion which had been brought by former Councillor McReynolds to the Council meeting on 3rd December. The Committee agreed to amend the wording to read as follows:

3.2	<i>This Council is concerned at the number of people in Belfast that feel they have been the victim of sexual harassment. Accordingly, the Council will undertake to meet with our universities, hospitality sector and the PSNI to explore any industry led initiatives that we can support, to tackle sexual harassment within our night-time economy, keeping in mind that this is a global societal issue that needs tackled.</i>
3.3	After discussion, it was agreed that the Building Control Manager would undertake research and would bring a report back to the Committee and invite Hospitality Ulster and any other organisations who may have an interest in an industry led initiative to deter sexual harassment to the meeting.
	<b><u>Summary Position following the December 2018 Committee Meeting</u></b>
3.4	Due to resource constraints in the Service, work on this did not commence until January 2020. Meetings were then held with Councillor McReynolds, QUB and Hospitality Ulster to explore what initiatives were in progress.
3.5	With the onset of the pandemic and hospitality venues closed, no further progress was possible in 2020. Thereafter, whilst hospitality was no longer under the same restrictions because of covid the cost-of-living crisis was, and still is, having a significant impact on the sector and this led to further delays in progressing the motion.
3.6	More recently, meetings have taken place with Hospitality Ulster, QUB and the PSNI to explore initiatives aimed at creating a safer and more inclusive night-time economy and these are outlined below.
4.0	<b>Key Issues</b>
	<b><u>Police Service of Northern Ireland Initiatives</u></b>
4.1	The PSNI has joined with licensed venues and security staff across Northern Ireland to help keep people safe while enjoying a night out.
4.2	The safety initiative 'Ask for Angela' was launched in Northern Ireland in December 2022 and, since then, local bars, clubs and other licensed venues have been encouraged to sign up to the scheme.
4.3	Anyone who is feeling unsafe, vulnerable or threatened can discreetly seek help by approaching venue staff and asking them for 'Angela'. This code-phrase will indicate to staff they require help, and a trained member of staff will then look to support and assist them. This might be through reuniting them with a friend, seeing them to a taxi, or by calling venue security and/or Police.
4.4	Venues that support 'Ask for Angela' have been given access to a training package, giving their staff the ability to help customers who may be in a situation that makes them feel vulnerable or unsafe.
4.5	The training explores what vulnerability is, how to identify it and appropriate interventions to take. A range of online assets and further information is available from <a href="https://www.psni.police.uk/AskForAngela">https://www.psni.police.uk/AskForAngela</a> .
4.6	A toolkit has been developed, with key messages and graphics, to promote the scheme to local venues and the wider public on social media and beyond and is attached at Appendix 1.

4.7	<p>A representative of the PSNI will be attending the Committee meeting to provide further details of its work in this area.</p> <p><b><u>Hospitality Ulster Initiatives</u></b></p>
4.8	<p>Hospitality Ulster (HU) and the PSNI worked jointly to launch the 'Ask for Angela' initiative in N. Ireland and are working with TEO on a task force tackling sexual violence against women.</p>
4.9	<p>Ask for Angela is a support mechanism aimed at informing and educating hospitality industry staff about customer welfare and vulnerability. Through a code phrase that can be used by customers to discretely seek help, 'Ask for Angela' reassures customers that support is available. The code phrase is pointless without proper and straightforward training for staff and HU have provided guidance on this to their members.</p>
4.10	<p>HU has a variety of Safer Socialising Resources to assist their members including the planned Women's Night Safety Charter, Spiking Guidance and guidance on preventing sexual harassment which all links to the N. Ireland Ask for Angela initiative.</p>
4.11	<p>It also provides the secretariat for the Independent Panel that oversees the Joint Industry Code for the Responsible Retailing of Alcohol which, if sold irresponsibly, can lead to antisocial behaviour including sexual harassment.</p> <p><b><u>Women's Night Safe Charter</u></b></p>
4.12	<p>As part of its safer socialising initiative, Hospitality Ulster is planning to rollout the Women's Night Safety Charter (attached as Appendix 2), which is identical to the London Mayor's charter, and invites key stakeholder organisations and hospitality businesses to sign up to the charter and related actions. HU has just begun inviting key stakeholder organisations to sign the charter.</p>
4.13	<p>For the hospitality industry, the charter will be supported by Listen, Learn, Lead training provided by the charity White Ribbon (attached as Appendix 3).</p>
4.14	<p>White Ribbon NI was launched in Northern Ireland in November 2021. Through awareness raising and education, White Ribbon NI seeks to end violence against women in all its forms. White Ribbon believes that giving everyone the information they need to challenge the ideas and attitudes which have perpetuated violence against women and girls is a step we can all take towards being part of the solution.</p>
4.15	<p>As part of this initiative, HU plans to establish a steering group with senior management representation from key stakeholder organisations including TEO, PSNI, Local Authorities, Translink, TNI, etc. The steering group would meet two or three times a year to review the effectiveness of current initiatives, review emerging issues and if needed develop new initiatives to address Women's Safety at night. But to avoid duplication, HU are also exploring if there is an existing group that could fulfil this role.</p>
4.16	<p>Colin Neill, Chief Executive, Hospitality Ulster will be available to provide Members with further background information on the industry led initiatives aimed at tackling sexual harassment within our night-time economy.</p> <p><b><u>TEO Initiatives</u></b></p>
4.17	<p>The Northern Ireland Executive has directed that a Strategy to End Violence Against Women and Girls be developed and the Executive Office is leading this work across departments.</p>

4.18	A programme of engagement and research is underway to inform the co-design process, with the aim of having a draft framework for the Ending Violence Against Women and Girls Strategy ready for consultation in early 2023.
4.19	The Strategy to End Violence Against Women and Girls; the Equally Safe Strategy will identify actions to tackle all kinds of offences, ranging from micro-aggressions and misogyny, through to violent and abusive behaviour directed at women and girls precisely because they are women and girls. This includes crimes and unwanted behaviour in the physical and online world.
	<b><u>Summary of Initiatives by QUB</u></b>
4.20	QUB has a zero-tolerance policy and any form of sexual misconduct is regarded as completely unacceptable and taken very seriously by the University. A variety of guidance and support options are available to students.
4.21	QUB representative Brian Horgan (Head of Campus Food and Drink; Student Plus Directorate) and QUB colleagues have provided an overview of the strategies implemented by the institution. Key aspects include: <ul style="list-style-type: none"> <li>• The University Conduct Regulations are published on student guidance services and clearly define to students what behaviours are deemed inappropriate and what will be considered as sexual misconduct.</li> <li>• Report and Support – mechanisms have been established for students to report matters of concern, such matters inclusive of sexual harassment. Additionally, the Student Wellbeing Service is positioned to provide a wide range of support services to students.</li> <li>• Importantly, the University recognise many of their students work in bars &amp; nightclubs; they are seeking to inform such individuals on matters related to Zero tolerance and therefore deliver change beyond their own premises.</li> </ul>
	<b><u>Financial and Resource Implications</u></b>
5.1	None.
	<b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b>
6.1	None.
7.0	<b><u>Documents Attached</u></b>
	<b>Appendix 1:</b> PSNI Ask for Angela toolkit <b>Appendix 2:</b> Women's Night Safety Charter <b>Appendix 3:</b> Listen, Learn, Lead training provided by the charity White Ribbon



# ask for Angela

Toolkit

## Appendix 1



**Police Service**  
of Northern Ireland

# ask for Angela Toolkit

## Introduction

Welcome to the Police Service of Northern Ireland's, Ask for Angela toolkit – a series of new graphical assets and key messages that we need your help to reach local businesses and the wider community with.

We would greatly appreciate your support by sharing our content and key messages on your public facing channels and in your networks, if you feel it's appropriate.

## What is 'Ask for Angela'?

Anyone who is feeling unsafe, vulnerable or threatened can discreetly seek help by approaching staff in registered venues and asking them for 'Angela'. This code-phrase will indicate to trained staff that they require help. This might be through reuniting them with a friend, seeing them to a taxi, or by calling venue security and/or Police.

## What are we trying to achieve?

We want as many local businesses across Northern Ireland to sign up to support the 'Ask for Angela' scheme and commit to training their staff. We also want to raise awareness of the scheme amongst the wider public so they feel confident to seek help if they need.

The training package for the scheme is now available to access on the Hospitality Ulster website here: [hospitalityulster.org/askforangela](https://hospitalityulster.org/askforangela)

Any venue that wishes to take part must first register via the link above to sign up to the scheme and then they will be given access to the bespoke training package for their staff and promotional materials for their venue.

The training explores what vulnerability is, how to identify it and appropriate interventions to take if someone **'Asks for Angela'**.

We have designed and created a map for the public that will pinpoint venues who have signed up and took part in the training. You can find this by clicking [here](#).

**We need your help to fill this map! By helping us promote this scheme we can empower people to play a vital role in reducing potential harm.**

## What's In The Toolkit?

- Graphical Assets – how to download
- Key messages & template press release
- How to share
- Contacts
- Website

All of the assets seen below are now available for download from the Police Service of Northern Ireland's website here: [psni.police.uk/askforangela](https://psni.police.uk/askforangela)



## Key Messages

Please use the key messages below as guide for when you are posting about the scheme or making a local business aware.

- “Is Angela about tonight?” Code for: I need your help. The Police Service of Northern Ireland has teamed up with Hospitality Ulster and the Northern Ireland Hotels Federation to launch “Ask for Angela”. We want to help encourage as many venues to sign up and train their staff to be able to act if discreetly asked for help.

Read more:

**[psni.police.uk/AskForAngela](https://psni.police.uk/AskForAngela)**

Local businesses are already signing up to the ‘Ask for Angela’ scheme across Northern Ireland. If you haven’t already, please sign up. You will receive all the training materials you will need to empower your staff to help keep people safe.

Find out more here:

**[psni.police.uk/AskForAngela](https://psni.police.uk/AskForAngela)**

- What happens if you ask for ‘Angela’? Staff in registered venues will know that you need help. They can ask the person bothering you to leave, help to ring a taxi, reunite you with friends or call Police. A map of local venues already signed up is available here:

**[psni.police.uk/AskForAngela](https://psni.police.uk/AskForAngela)**

- On a date that isn’t working out? Someone not taking ‘no’ for an answer? ‘Ask for Angela’ in registered venues and trained staff there will know you need help. To see a map of venues already signed up, visit:

**[psni.police.uk/AskForAngela](https://psni.police.uk/AskForAngela)**

### Template press release for local businesses already signed up:

**XXX** (NAME OF BUSINESS OR ORGANISATION) is supporting the ‘Ask for Angela’ scheme

Local businesses including, bars, pubs, hotels, restaurants and security staff across Northern Ireland are being given access to ‘Ask for Angela’ training to help people who feel unsafe, threatened or vulnerable on their night out this Christmas and beyond.

Under the scheme, they are being trained that anyone who asks for Angela may be using a code to indicate they need help.

The initiative started in 2016 and has been rolled out in various parts of England and Wales since. It is now being formally rolled out to the local hospitality sector, with the backing of the Police Service of Northern Ireland who have designed the training package.

It is hoped that by ‘asking for Angela’, a person will be able to quickly alert staff and get help. Staff will then take them to one side and find out more about the support they need.

They can then help reunite them with a person they trust, make sure they get into a taxi safely, call security to remove who is causing distress, or contact police.

**XXX** (NAME OF BUSINESS OR ORGANISATION) has already registered to take part and committed to training their staff.

**XXX** (QUOTE FROM BUSINESS REPRESENTATIVE) said:

A map of local venues signed up to the scheme already can be found on the Police Service’s website here and will be kept updated as more sign up throughout December and beyond:

**[psni.police.uk/AskForAngela](https://psni.police.uk/AskForAngela)**

As part of the Police Service’s annual Operation Season’s Greetings, the public can also expect to see more officers out on targeted patrols within the night time economy to keep people safe.

Detective Superintendent Lindsay Fisher added: “Officers across all policing districts will be backing up this safety initiative with targeted patrols, proactively looking out for predatory behaviours and safeguarding anyone who may be presenting as vulnerable. We already have established relationships with our local licensed venues and they know we are never too far away if they need police assistance.”

Local venues are being asked to register for the scheme via the Hospitality Ulster website here:

**<https://hospitalityulster.org/askforangela>**

## How To Follow And Share

We would encourage you to share the assets included in this toolkit across your own channels and in your already established networks with local businesses.

Please follow our accounts and tag us when you do post.

Instagram: **@policeservice.ni**

Twitter: **@PoliceServiceNI**

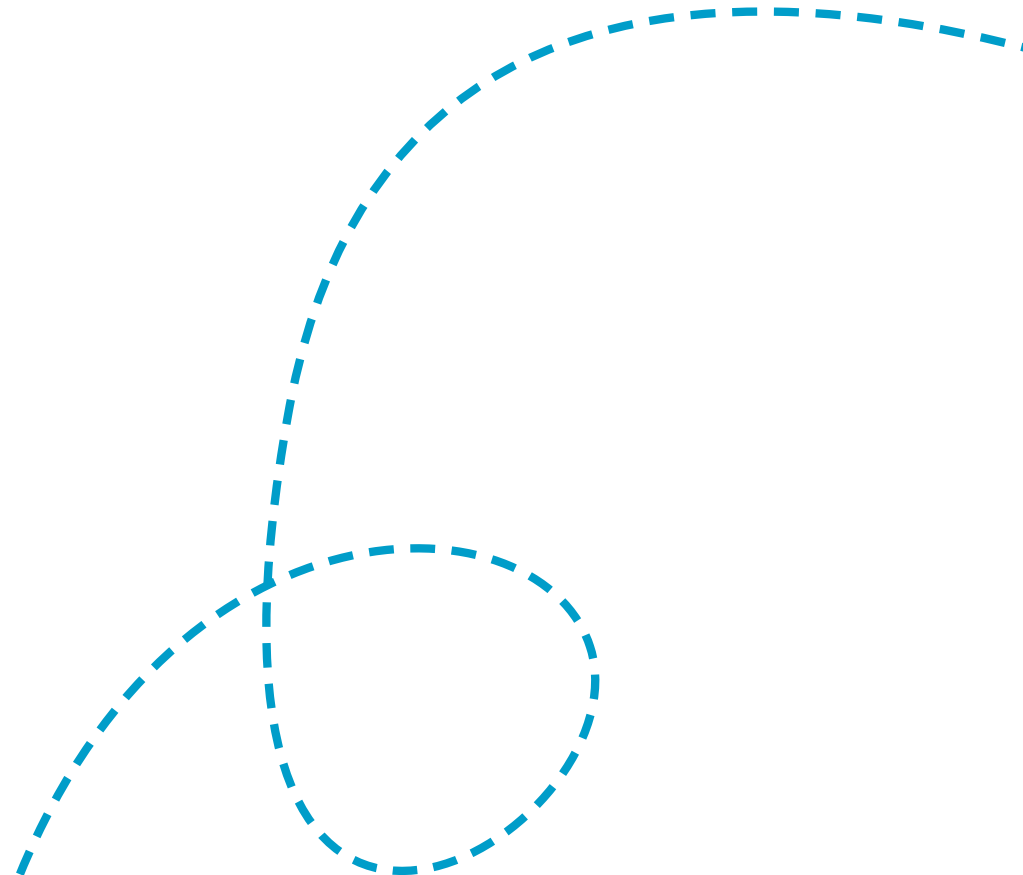
Facebook: **@PoliceServiceNI**

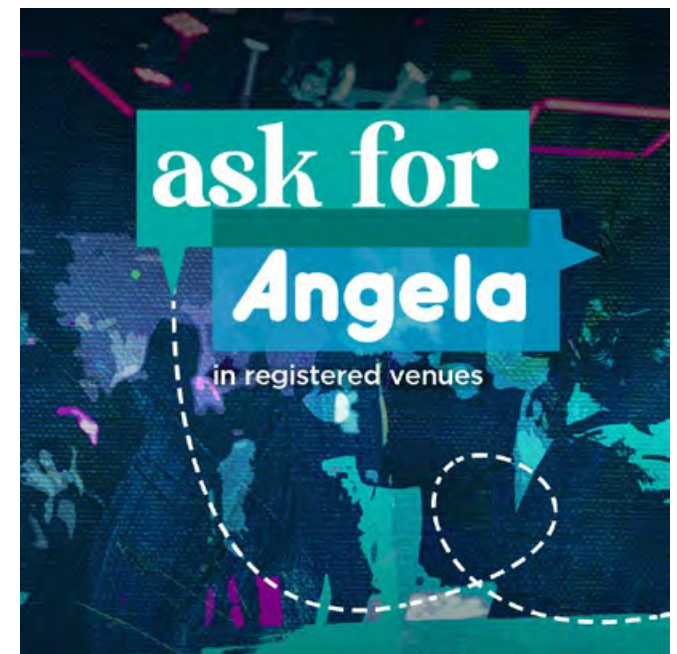
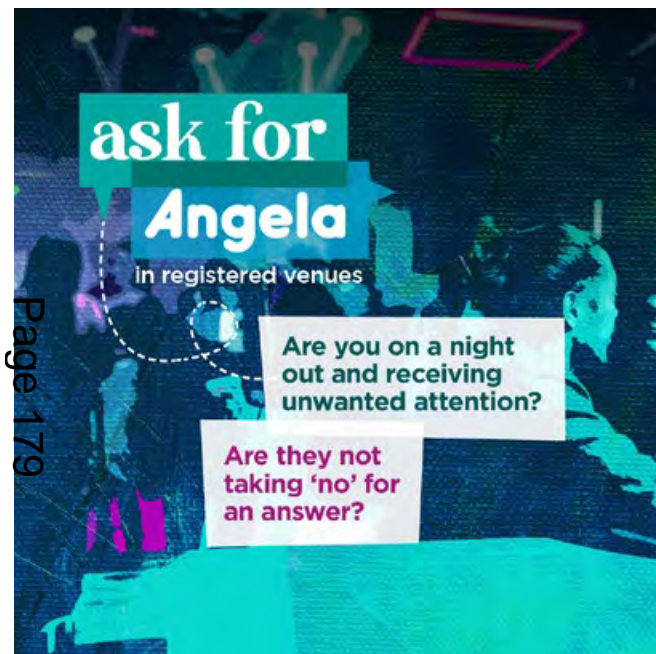
We would also encourage you to use the key messages to start positive conversations about the scheme. There is no time limit – keep sharing and having those conversations, on and off line, when and where you can.

## Contacts

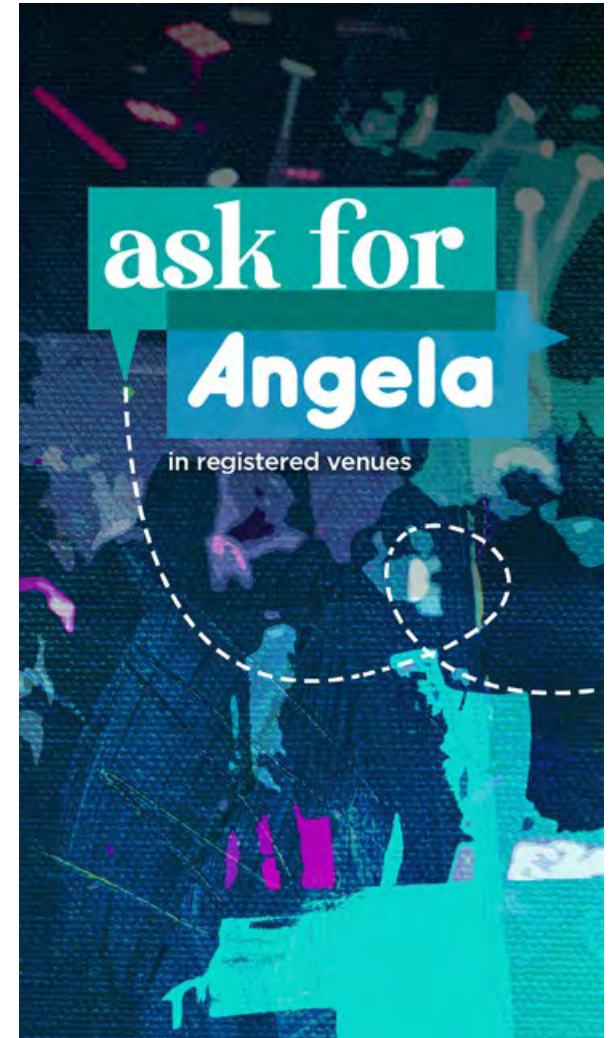
For any queries about the scheme, please contact the Police Service of Northern Ireland's Strategic Communications and Engagement Department.

Email: **Natalie.mcfall@psni.police.uk**

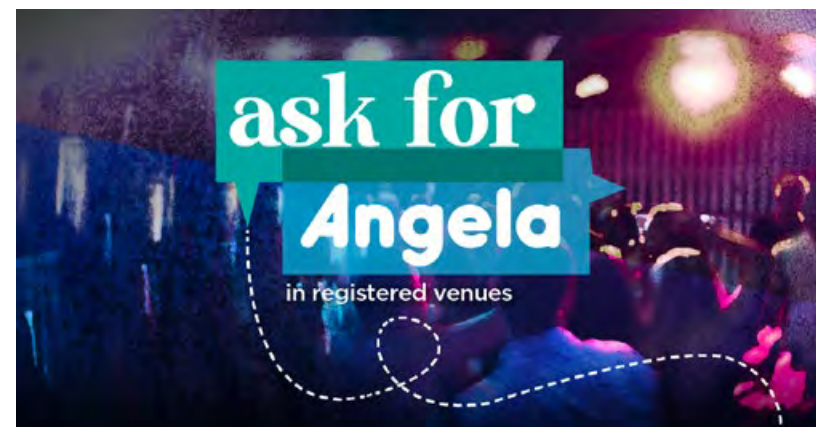
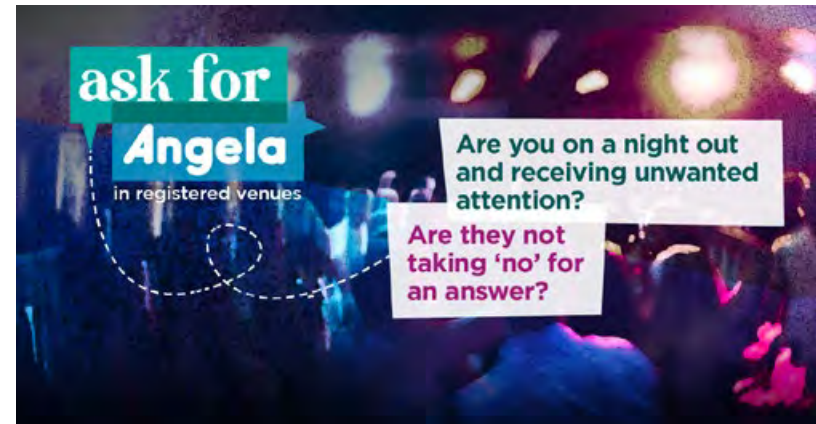


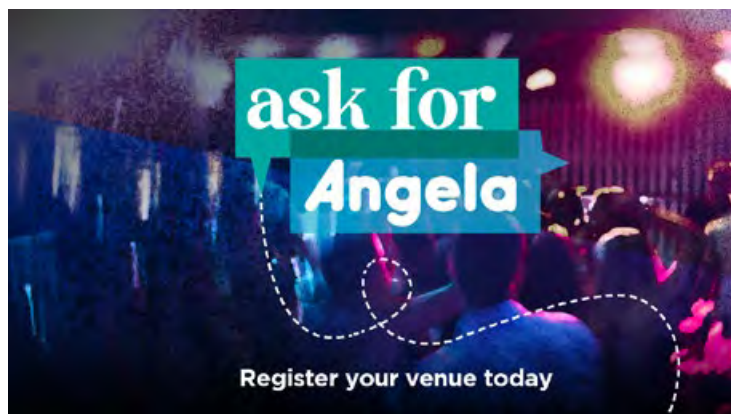
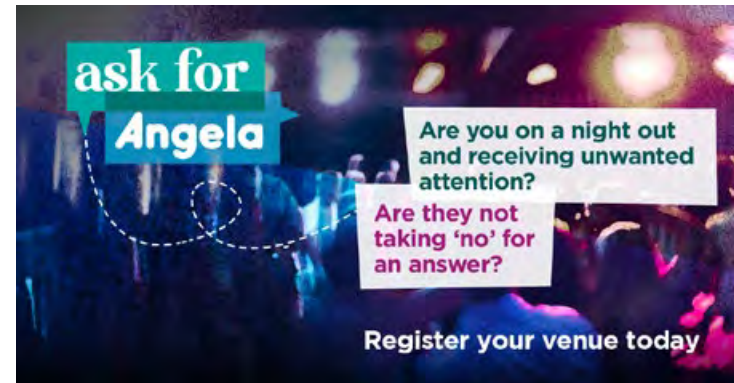
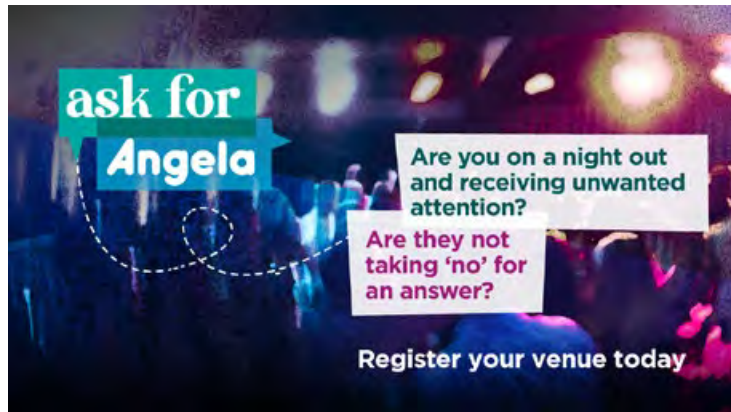














**psni.police.uk**



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Northern Ireland is a safe place, but too many women feel unsafe when travelling, working, or going out at night. The Northern Ireland Executive Office is working with stakeholders to prioritise the safety of women and girls. As key stakeholders, Hospitality Ulster and [White Ribbon NI](#) have joined forces to adopt the Women's Night Safe Charter and support its rollout in Northern Ireland.

The charter is a commitment by organisations and businesses operating at night to support the campaign to End Violence Against Women and Girls.

### THE CHARTER

To support the Women's Night Safety Charter NI, we ask all organisations and businesses that operate at night to sign-up to seven pledges:

- Nominate a champion in your organisation / business who actively promotes women's night safety
- Demonstrate to staff and customers that your organisation takes women's safety at night seriously, for example through a communications campaign
- Remind customers and staff that Northern Ireland is safe, but tell them what to do if they experience harassment when working, going out or travelling
- Encourage reporting by victims and bystanders as part of your communications campaign
- Train staff to ensure that all women who report are believed
- Train staff to ensure that all reports are recorded and responded to
- Design your public spaces and workplaces to make them safer for women at night

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## WOMEN'S NIGHT SAFETY CHARTER NI: LISTEN, LEARN, LEAD

To support the Women's Night Safety Charter NI, any organisation that operates at night can sign up to our seven simple pledges inspired by The London Mayor's Night Safety Charter, which was a part of the Mayor's Tackling Violence Against Women and Girls Strategy and London's commitment to the UN Women Safe Cities and Safe Public Spaces global initiative:

- **Nominate a champion in your organisation who actively promotes women's night safety**
- **Demonstrate to staff and customers that your organisation takes women's safety at night seriously, for example through a communications campaign**
- **Remind customers and staff that Northern Ireland is safe, but tell them what to do if they experience harassment when working, going out or travelling**
- **Encourage reporting by victims and bystanders as part of your communications campaign**
- **Train staff to ensure that all women who report are believed**
- **Train staff to ensure that all reports are recorded and responded to**
- **Design your public spaces and workplaces to make them safer for women at night**

## BACKGROUND

In Northern Ireland we believe a night out does us a world of good. We believe in "seeing where the night takes us" whether it be sipping cocktails, hitting the dancefloor, listening to live music, or having a low-key late dinner with friends. We are proud of our culture and the buzz our hospitality venues are famous for and we want to make sure that everyone feels free to enjoy them until the small hours of the morning.

We know that, even in 2022, women still experience disproportionate levels of sexual abuse, harassment, and violence. An investigation by UN Women found that 97% of women aged 18-24 had been sexually harassed. We also know that these figures do not paint a true picture as these kinds of offences are often under reported. If a woman does not feel she will be believed, or she doesn't trust that her story will be taken seriously, she may not feel safe to speak out.

This news will not come as a surprise to many women in Northern Ireland. "Call me when you get in safe" is a common parting plea at the end of the night for women and navigating street harassment and catcalling is sadly an accepted hazard of the walk home.

A young woman said:

*"I often think I would love to go into the city centre and enjoy a drink or some food by myself after a stressful day at work, but I worry about hassle from groups of guys and the later journey home seems risky. A solitary moment to relax at the end of the day seems somehow out of bounds for women."*

We believe we all have the responsibility and the ability to change this. We need to change how society responds to violence against women and girls. This means that first and foremost we need to listen to the voices of women. We need to inspire a culture of respect and belief.

Violence against Women and Girls starts with ideas, words, and thoughts long before it becomes action- if we are to create a society where women are safe, we must challenge the attitudes and beliefs which can lead to harassment and abuse on nights out being normalised and minimised.

Alcohol is not the root cause of sexual violence. It is, however, often wrongly used as an excuse for these crimes. In drink spiking incidents (where alcohol or drugs are added to someone's drink without their knowledge) the onus is all too often put onto the victim to protect themselves, for example by covering their drink with their hand. However, there are now reports of a new form of spiking which involves the victim being injected in some way without their consent. It has never been more important to take a stance against these crimes, and to continue in our efforts to make venues safe and enjoyable for everyone.

We envision a Northern Ireland in which women and girls live free from violence and the threat of it. This means women and girls taking up space and living their lives to their full potential. It means women heading out for the night knowing they are going to have a great time and get home safe. Signing up to the Women's Night Safety Charter NI and making the seven pledges is an important first step to make this vision a reality.

After signing up to the Women's Night Safety Charter, organisations are asked to commit to making lasting change through staff, policies, and day-to-day work; as well as the important role within the communities in which businesses are based.

## **WHITE RIBBON NI**

White Ribbon is a global movement to end male violence against women. Its goal, unchanged since its inception in 1991, is to send out the message that violence against women in all its forms is unacceptable.

White Ribbon NI was launched in Northern Ireland in November 2021. Through awareness raising and education, White Ribbon NI seeks to end violence against women in all its forms. White Ribbon believes that giving everyone the information they need to challenge the ideas and attitudes which have perpetuated violence against women and girls is a step we can all take towards being part of the solution.

White Ribbon provides 'Listen, Learn, Lead' workshops and action plans which inform, empower, and encourage people to speak out about violence against women and girls.

To help guide you to meet the seven pledges on the Women's Night Safety Charter White Ribbon NI has created a 'Listen Learn Lead' toolkit tailored specifically to the evening economy, which will help you cover all bases using a simple checklist and provides you with the support you need continue ensuring the safety of women in your business.

## LISTEN

- Encourage ideas and feedback from all staff members of the organisation on what they would like to see included in the Listen, Learn, Lead action plan
- Encourage and empower all staff to read the seven pledges of the Night Safety Charter and the Listen, Learn Lead toolkit supplied, and discuss any questions they may have.
- Add the sign of the six pledges of the Women's Night Safety Charter NI, and familiarisation with the Listen Learn Lead kit, to staff induction.

Action	Start Date	Lead person responsible	Achieved Y/N

## LEARN

- Develop a clear system for reporting, recording, assessing, and dealing with incidents of unacceptable behaviour within your business (for staff and customers)
- Train staff on noticing and responding to incidents of unacceptable behaviour by providing the material in the toolkit. Additional training is available by contacting White Ribbon NI.
- Train staff on appropriate recording of details of incidents.
- Have good knowledge of organisations locally who support women and girls and know how to signpost to their services.
- Consider your spaces and adapt accordingly to promote safety for all customers.

Action	Start Date	Lead person responsible	Achieved Y/N



## LEAD

- Identify, appoint, and support a number (suitable for the size of your business) of Women's Night Safety Champions from your organisation (from various roles and levels of seniority as applicable). These champions will facilitate and implement the objectives on the Women's Night safety action plan to keep women safe.
- Ensure staff induction incorporates the Women's Night Safety pledge, supported by ongoing training and internal communications which challenge the attitudes and beliefs that lead to violence against women in all its forms.
- Ensure that no organisational promotional materials use abusive or sexist imagery.
- Evidence that you have developed a zero-tolerance approach to sexist, harassing or abusive behaviours from staff and/or customers.
- Display your commitment to challenging the attitudes and beliefs which lead to violence, abuse, and harassment of women on a range of settings such as your website, email, and signage.
- Display signed Women's Night Safety Charter NI posters in your premises.

Action	Start Date	Lead person responsible	Achieved Y/N

***Name of White Ribbon NI Champion:***

***Signature:***

***Name of White Ribbon NI Champion:***

***Signature:***

***Name of White Ribbon NI Champion:***

***Signature:***

***Name of White Ribbon NI Champion:***

***Signature:***

## **COMMENTS**

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## LISTEN: WHAT THIS MIGHT LOOK LIKE FOR YOUR BUSINESS

Let staff know that as an organisation you intend to sign up to the Women's Night Safety Charter NI. Encourage conversation around this and allow staff to feedback on their own experiences.

That sad fact is that misogynistic attitudes and behaviours exist throughout society, and violence against women in all its forms starts with ideas, words, and thoughts long before they become action. If we are to create a society where women are safe, we must all work hard to create a culture of respect, equality, and safety.

You could:

- Call a staff meeting to discuss the Women's Night Safety Charter NI and 'Listen, Learn, Lead' plan.
- Send a reminder to staff on all policies already in place which offer protection and are designed to make them feel safe at work.
- Encourage staff to give feedback on policies and encourage suggestions for improvement.
- Enlist the support of the leadership team, managers and supervisors and hold discussions on how to help support women already on the team and encourage more women to progress.
- Discuss with your staff team how confident they would feel when challenging harmful misogynous or disrespectful jokes, remarks, or conversation. Discuss the '5 Ds' of bystander intervention (see 'Lead' section for details) and implement further training to upskill if needed or desired.
- Encourage and empower all staff to read the 'Listen, Learn Lead' toolkit supplied and discuss any questions they may have before continuation of the plan.
- Add the signing of the Women's Night Safety Charter NI and familiarisation with the 'Listen Learn Lead' toolkit to staff induction. Listen to any questions, ideas or fears new staff may have. A culture of belief can become part of the ethos within your hospitality team by conversing regularly about women's safety, inclusion, and diversity.
- Staff teams should be encouraged to challenge victim-blaming attitudes and managers should provide and encourage learning opportunities on this topic.

### VICTIM BLAMING

Victim-blaming describes the practice of holding victims partly responsible for what has happened to them; blaming someone who has endured abuse, violence, sexual violence, or harassment with either part or whole responsibility for the event.

Often, victim-blaming theories rely on the premise that individuals should recognise the dangers that exist in society and therefore should take the necessary precautions to maintain a certain level of safety. Those who do not take such precautions are perceived as blameworthy for the abuse they have been subjected to.

These perceptions in effect shift the culpability away from the perpetrator of the crime onto the victim. When discussing issues of domestic abuse, violence against women, or sexual assault, we often hear victim-blaming statements such as,

*"Why didn't she leave?"*

*"Why would she put the kids through that."*

*"She shouldn't have got herself into that state"*

*"She's only calling it sexual harassment now because he didn't want a relationship with her"*

*"She was leading him on all night, what exactly does she expect"*

*"She wasn't complaining when she was getting tipped all night"*

Victim blaming only serves to empower the person doing the harm and silence the victim. Throughout our lives we do judge and we do make assumptions, and this is as natural and automatic as our heartbeat.

*"A bias is a shortcut, an automatic association, a tool your brain uses to make decisions without using lots of time and energy. It is an automatic association, it is not a choice, and it is not a product of logic, morality, or character."*

*"We are not responsible for our first thought, but we are responsible for our second thought and our first action"*

**- Joe Gerstandt**

## LEARN: WHAT THIS MIGHT LOOK LIKE FOR YOUR BUSINESS

Develop a clear system for reporting, recording, assessing, and dealing with incidents of unacceptable behaviour within your business (for staff and customers).

### DISCLOSURES / REPORTS

When you begin speaking out on these issues your team may receive disclosures from other staff or customers. We want to empower you to be able to respond confidently when someone needs help or advice. It is important that every team member is confident and has been trained in how to respond to a disclosure/report initially and react accordingly whether that be recording the incident, signposting the person to an agency for support or simply showing the person they are believed and the harm which has been done to them has been acknowledged.

- Believe. You are not gathering evidence. It is not your job to evaluate what the customer/staff member is saying. If someone isn't believed the first time, and they confide in someone, it may take many years for them to speak about it again or worse still they may never disclose the harm to anyone else.
- Respect the person. Give the person space and do not push for further information. Respect the person's physical and mental space.
- Ask about any physical injuries or urgent needs.
- Listen but do not be presumptive or ask leading questions. The customer/staff member making the disclosure/report should only have to tell their full story once. With the person's permission, record the details in the manner which has been agreed in staff training. This prevents them being retraumatised by having to tell the story again and again. Check you've understood what you've been told and recorded accurately.
- Be honest. Do not offer total confidentiality if you cannot give this and explain who you will have to tell and why (for example, child protection reasons or suicide risk)
- Signpost the person to the correct organisation which can provide help and support. This is why it is important to know which support services are in your community. If appropriate and agreed with the person making the report/disclosure, share the information with management. You may offer to summarise their story on their behalf to the agency you have signposted them to – however reassure that it is completely their choice whether you provide this service.
- Empower. Let them know that everybody deserves to feel safe, and that what is happening/has happened is not their fault.
- Seek support for yourself. The fact that someone has been able to disclose to you means that you have helped them feel safe already. However, after hearing about an incident of harassment or abuse we can often be left with feelings of helplessness, responsibility, or anger. Understand this is normal and seek support for yourself if needed.
- Train staff on noticing and responding to incidents of unacceptable behaviour. Additional training is available by contacting White Ribbon NI. If you have a HR team, consider additional training on

understanding the dynamics of sexual harassment, assault, violence against women and girls in all its forms, domestic abuse, stalking and the legislation which protects women in Northern Ireland.

## **ASK FOR ANGELA**

Hospitality Ulster, in partnership with the Police Service of Northern Ireland, have launched the 'Ask for Angela' scheme in Northern Ireland to encourage night time economy businesses to help people enjoy even safer nights out in public.

Ask for Angela is a support mechanism aimed at informing and educating hospitality industry staff about customer welfare and vulnerability. Through a code phrase that can be used by customers to discreetly seek help, 'Ask for Angela' reassures customers that support is available. The code phrase is pointless without proper and straightforward training for your staff, so HU has provided everything you need to get started.

Simply sign up at [hospitalityulster.org/askforangela](https://hospitalityulster.org/askforangela) where you can access full training resources to ensure your staff are informed and prepared to act if someone approaches them to 'Ask for Angela'. A list of local businesses and organisations who sign up will be kept on public record.

- Train staff on appropriate recording of details of incidents. Ensure all reported incidents of sexual harassment or assault are recorded in compliance with data and confidentiality guidelines with discretion and confidentiality. Licensed premises should make use of their logbook.
- Ensure that your HR team / manager / management team has appropriate guidelines to discourage the flow of gossip and misinformation if a disclosure has been made by one team member against another. Staff who make disclosures should not be subject to victim blaming or deemed problematic for speaking up.
- Have good knowledge of organisations locally who support women and girls and know how to signpost to their services. (List of services provided at the back of this toolkit)
- Consider your spaces and adapt accordingly to promote safety for all customers.

## **MAKING YOUR SPACE AS SAFE AS POSSIBLE**

Check that all CCTV and lighting is functioning correctly and is fit for purpose. Train staff on CCTV policy so they can respond to customers queries confidently and promptly. All staff should understand who is responsible for using, maintaining, and sharing this data should it be required.

Meet and converse with the neighbourhood policing team to discuss women's safety in your hospitality premises.

Make a safe space – a quiet private area where medical attention can be provided, or support can be given to someone who needs it.

Discuss the Women's Night Safety Charter NI and 'Listen, Learn Lead' toolkit with security staff and have a conversation on how to work together to adequately cover the entire space to minimise risk.

Make sure your space is accessible for wheelchair users, deaf people, and people with disabilities.

## LEAD: WHAT THIS MIGHT LOOK LIKE FOR YOUR BUSINESS

Identify, appoint, and support a number (suitable for the size of your business) of Women's Night Safety Champions from your organisation (from various roles and levels of seniority as applicable). These champions will facilitate and implement the objectives on the Women's Night safety action plan to keep women safe.

### WHO CAN BE WOMEN'S NIGHT SAFETY CHAMPION?

- Passion, perseverance, and determination are more important than experience in this role.
- The champion should be someone who has the time, energy, and ability to inspire and empower others.
- They will actively promote a culture of respect and belief within the organisation.
- They should be willing to participate in frank and honest conversations about the subject and will be the point of contact for any work done on the issue.
- They will carefully adhere to all guidance applicable to the organisation within this Listen, Learn, Lead kit and ultimately make sure the six commitments of The Women's Night safety are met.

### ENSURE THAT NO ORGANISATIONAL PROMO MATERIALS USE ABUSIVE/SEXIST IMAGERY

Evidence that you have developed a zero-tolerance approach to sexist, harassing or abusive behaviours from staff and customers and communicate this to your customer base. Display this commitment to challenging the attitudes and beliefs which lead to violence, abuse, and harassment of women on a range of settings such as your website, email and signage.

Communicating a zero-tolerance policy is extremely important. We must signal to perpetrators that their behaviour will not be tolerated and reassure victims that if they are to report, they will be believed and supported.

In promotional posters, social media channels, staff handbooks websites:

- Use reassuring statements such as "If something or someone makes you feel uncomfortable, you can speak to any member of our specially trained staff who will deal with your report promptly and discreetly"
- Declare the consequences for violating rules clearly
  - "You will be asked to leave immediately if..."*
  - "CCTV footage will be used as evidence"*
  - "We have a zero-tolerance approach to "*
- Do not use graphic images which can be at best off-putting and at worst re-traumatising for victims.

- Do not use 'victim-blaming' language however helpful and well-meaning you intend the communicated guidance to be. Women should not have to change their behaviour on a night out to keep themselves safe. They should be able to relax and enjoy their night. In any incident of harassment or abuse the blame should always be placed firmly on the perpetrator.
- Communicate policy in simple, clear language on posters or social media posts.
- Use social media to make customers aware of any extra training or safety precautions you have put in place. Taking these steps are something your business should be very proud of and letting customers increases trust and confidence in your organisation.
- Proudly display Women's Night Safety Charter in your business. This should be somewhere it is visible to increase the confidence of all customers and pose a stark warning for anyone who's behaviour is dangerous or inappropriate.



# THE 5 DS OF BYSTANDER INTERVENTION

We can all be bystanders – everyday events of harassment unfold around us at some point in our lives. Everyone can make the choice to actively support anyone who is experiencing harm – we all have the ability to help in some way however small.

When we intervene, we become “upstanders” or “active bystanders” and we signal to the person causing harm that their behaviour is unacceptable. If such messages are consistently reinforced within our community, we can shift the boundaries of what is considered acceptable and change the social norms that have allowed violence against women and girls to continue.

Five steps to help when witnessing a problematic or potentially problematic situation at work or in your personal life.

- Notice the event. Pay attention to what is going on around you.
- Interpret if there is a problem. Err on the side of caution.
- Assume personal responsibility. If not you, then who?
- Know how to help. You do not have to put yourself in harm’s way. Support can be direct or indirect.
- Implement one of the 5 Ds Bystander Intervention tactics.

The 5 Ds of Bystander intervention are designed to be used by absolutely anyone to support someone who is being harassed, emphasise that what is happening to them is not ok and model the kind of leadership in their peer group or workplace that shows everyone has the power to make our society a safer place.

It can also be used in peer groups where someone in the group is using language or expressing ideas that encourage misogyny, sexism, victim blaming or any type of discrimination.

## **DISTRACT**

Distraction is a subtle yet effective way to intervene. Its aim is to derail the incident of harassment, abuse or inappropriate behaviour by interrupting it.

The idea is to ignore the person or group who is harassing and engage directly with the person being harassed.

Do not refer to the incident which is happening. Instead talk about something completely unrelated.

Distract attention away from the person who the subject of the harassment by asking for the time, asking a work-related question, if the person is a stranger pretending to know them.

Change the conversation to another topic if “banter” in a group is becoming inappropriate

## **DELEGATE**

Delegation is asking someone else for help with intervening. Scan the situation to assess risk and delegate task to someone else around you.

This could mean alerting a senior, a manager, a security guard, a bus driver, HR department or another third party – perhaps with more perceived authority to intervene. Or it could be simply asking another friend who is closer to the person causing the harm to step up.

## **DELAY**

If the situation is too dangerous to challenge and your assessment tells you there is a threat of escalation of violence it may be better to wait for the situation to pass.

If there is a victim in the situation who is being subjected to harm it is important to stay with them.

Once it has passed you then have an opportunity to ask the person subjected to the harassment if they are ok and reassure them that what just happened to them was wrong.

You can then report what has happened or gently encourage the person subjected to the harassment to report it.

## **DOCUMENT**

You can document the situation by writing notes, taking screenshots of group conversations, or recording on your phone (although video recording is not recommended in most situations) or by checking CCTV footage is being taken and noting the time of the incident.

If there has been a victim in the incident you are recording, it is important then to ask the person afterwards who has been subjected to the harm what they would like you to do with the documentation.

Carefully consider the information supplied previously around record keeping, disclosures and reports. All staff in an organisation should be trained in appropriate recording of details of incidents and all reported incidents of sexual harassment or assault are recorded in compliance with data and confidentiality guidelines with discretion and confidentiality. It is important that licensed premises make use of their logbook.

## **DIRECT**

You can choose to directly intervene in a situation and speak up firmly and clearly about the harm.

Step in and say or do something to let it be known that you find what's going on to be unacceptable.

If it's a friend rather than a stranger causing the harm it is important to take into consideration that no one likes to be called out in front of their work team or friend group – it can often lead to defensive behaviour which can escalate quickly if alcohol has been consumed. So, wait if possible until you have a moment alone with a friend or work colleague to talk about their behaviour if you feel they have crossed a line.

**NOTE:** At some point you may feel the need to intervene when someone is a close friend, trusted work colleague or family member, if they are behaving in a way you feel is not on and not only get them into trouble but influence others to act the same way and cause a lot of harm.

It's ok to let a friend know you are not ok with their behaviour – and just because others in the group don't speak up it doesn't mean that they aren't all thinking the same thing as you.

By intervening you are having a powerful and positive effect whichever method you use.

It is important to let a friend or colleague know if they are about to make a mistake that could impact the way they are viewed by others, their career, or the team you both belong to or in the worst-case scenario – cause a lot of harm to another human being.

You as a friend have a responsibility to let someone know the way they are acting is out of order and give them an opportunity to rethink or stop the behaviour.

## LIST OF SUPPORT SERVICES/ORGANISATIONS PROVIDING FURTHER TRAINING

**White Ribbon NI:** [events@whiteribbonni.org](mailto:events@whiteribbonni.org)

Providing workshops to challenge the attitudes and beliefs which lead to violence against women and girls.

**PSNI:** [www.psnipolice.uk/contact-us](http://www.psnipolice.uk/contact-us)

**Victim Support:** [www.victimsupportni.com](http://www.victimsupportni.com)

**SOLA:** [sola@victimsupportni.org.uk](mailto:sola@victimsupportni.org.uk)

Sexual Offences Legal advisors (SOLAs) are qualified lawyers who can offer legal advice and support to adult victims of a serious sexual offence.

**Nexus NI: 028 9032 6803**

Nexus work across Northern Ireland to respond to the needs of adults who have experienced sexual abuse, violence, or rape by providing counselling and support services and increasing awareness of the issues

**The Rowan - Sexual Assault Referral Centre (SARC): 0800 389 4424**

The Rowan is the regional Sexual Assault Referral Centre (SARC) in Northern Ireland. They provide support and services 24 hours a day, all year to children, young people, women and men who have been sexually abused, assaulted or raped in the past or recently.

**Rape Crisis: 08000246991 / [www.rapecrisisni.org.uk](http://www.rapecrisisni.org.uk)**

A support service for anyone who is 18 and over who has experienced serious sexual assault and rape in adulthood.

**24 Hour Domestic and Sexual Abuse Helpline: 0808 802 1414**

The Domestic and Sexual Abuse helpline is open to women and men affected by domestic abuse or violence. This free telephone service is available 24 hours a day, 365 days a year.

**Onus (NI) Ltd: 028 2568 9450 / [info@onustraining.co.uk](mailto:info@onustraining.co.uk)**

A social enterprise offering specialist training and consultancy services on domestic violence or abuse.

**Cara Friend: 028 9089 0202**

An organisation dedicated to supporting, empowering, educating, and offering friendship to everyone in the LGBT community

**Women's Aid Federation Northern Ireland: 028 9024 9041**

A voluntary organisation challenging domestic violence in Northern Ireland - women's Aid provides refuge and emotional support to women and their dependent children suffering from mental or physical harassment within the home.

**Belfast Trans Resource Centre: [www.belfasttrans.org.uk](http://www.belfasttrans.org.uk)**

A community hub for trans, non-binary and questioning people and their families and friends in the Belfast area.

**Rainbow Project: [www.rainbow-project.org/counselling](http://www.rainbow-project.org/counselling)**

A health organisation that works to improve the physical, mental and emotional health and wellbeing of LGBTQIA+ people and their families in Northern Ireland.

**Raise Your Voice: 07483337817 / [Contact@raiseyourvoice.community](mailto:Contact@raiseyourvoice.community)**

Explore sexual harassment and sexual violence in workshops and training to challenge root causes of sexual violence and create cultural change.

**Equality Commission NI: [www.equalityni.org/Home](http://www.equalityni.org/Home)**

**Labour Relations Agency: [www.lra.org.uk](http://www.lra.org.uk)**

**Lifeline: 0808 808 8000**

Crisis response line for anyone in distress or despair.

**Men's Advisory Project: [www.mapni.co.uk/](http://www.mapni.co.uk/)**

Support service for male victims of domestic abuse.

**The Migrant Centre NI: [admin@migrantcentreni.org](mailto:admin@migrantcentreni.org)**

**Disability Action: 02890297880 / [hq@disabilityaction.org](mailto:hq@disabilityaction.org)**

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