

# Licensing Committee

Wednesday, 18th May, 2016

## MEETING OF LICENSING COMMITTEE

Members present: Councillor Hussey (Chairperson);  
Alderman L. Patterson; and  
Councillors Armitage, Attwood, Brown,  
Bunting, Campbell, Clarke, Craig, Dudgeon,  
Groves, Hutchinson, Jones, Magennis, McConville,  
Mullan and Sandford.

In attendance: Mr. S. Hewitt, Building Control Manager;  
Ms. N. Largey, Divisional Solicitor; and  
Mr. H. Downey, Democratic Services Officer.

### Apologies

Apologies were reported on behalf of the Deputy Lord Mayor (Alderman Spence) and Councillor Bell.

### Minutes

The minutes of the meeting of 20th April were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council, at its meeting on 3rd May, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

### Declarations of Interest

Councillor Attwood declared an interest in respect of item 2(f) - Application for the Renewal of a Seven-Day Annual Indoor Entertainments Licence for Thompson's Garage, in that a work colleague was related to one of the applicants, and left the meeting while the matter was under discussion.

In relation to agenda item 2(g) - Consideration of Designating Resolutions for New Street Trading Sites/Variation of Commodities/Rescinding of Existing Street Trading Sites:

- the Chairperson (Councillor Hussey) declared an interest in respect of the proposal to vary the list of commodities sold from the site in Lombard Street in that he was on the Board of Belfast City Centre Management, which had submitted an objection, and he neither chaired the meeting nor took part in the discussion whilst the item was under consideration.

- Councillor Campbell declared an interest regarding the proposed designation of a site in Mountpottinger Link in so far as she had contacted an officer of the Building Control Service to obtain information, on behalf of another Member, for a person who might, in the future, apply for a Street Trading Licence for that location and took no part in the discussion.

**Non-Delegated Matter**

**Update on the Licensing of Pavement  
Cafes Act (Northern Ireland) 2014**

The Committee considered the following report:

**“1.0 Purpose of Report/Summary of Main Issues**

**1.1 The Committee is reminded that the Licensing of Pavement Cafés Act (Northern Ireland) 2014 (the Act) will come into operation on 1st October 2016. From that point onwards, the operation of a pavement café will be subject to a licence granted by the Council.**

**1.2 Members may recall that, at your meeting on 21st October 2015, representatives from the Department for Social Development’s (DSD) Social Policy Unit and from Hospitality Ulster were in attendance appeared before you to discuss the introduction of the new legislation, the supplementary guidance being developed to assist councils to administer applications and the benefits and issues it may have for the licensing industry.**

**1.3 Arising from this, the Committee agreed that officers should facilitate discussions between the Council, other councils, the DSD and DRD, Hospitality Ulster, Disability Action, Transport NI, the PSNI and other relevant parties, with a view to formulating in advance of the commencement of the Licensing of Pavement Cafés Act a guidance and practice note on the design and management of pavement cafés in Northern Ireland.**

**2.0 Recommendations**

**2.1 The Committee is requested to note the content of the report and comment on the progress of our preparation for the commencement of the legislation and the supporting guidance documentation.**

**3.0 Main Report**

**Key Issues**

- 3.1** Pavement cafés can have a positive effect on urban environments and help to promote town and city centres. Well regulated pavement cafés can contribute to an excellent visitor experience, enhance the attractiveness of a local area and encourage visitors to stay longer and spend more.
- 3.2** At your meeting last October, Mr. Colin Neill of Hospitality Ulster advised that the introduction of the Act would provide small businesses with an opportunity to boost their income, particularly given the difficult trading conditions which they had experienced in recent years and urged the Council not to delay its implementation.
- 3.3** Members will, from previous reports to the Committee, be aware that the supplementary guidelines produced by the DSD were drafted without the appropriate level of engagement with councils or other key stakeholders. This was both frustrating and disappointing given that these Departmental guidelines will be integral to the successful implementation of this Act and particularly as it places an onus on council's to grant a licence unless it has good reason to refuse it.
- 3.4** Since your meeting in October, officers from the Service have been in discussion with Councils throughout Northern Ireland and other relevant stakeholders to develop good practice guidance on the design and management of Pavement Cafes prior to the introduction of the Act on 1st October 2016.

**Provisions of the Act**

- 3.5** The Act permits the owners of cafés, restaurants, pubs or other premises selling food or drink to the public, to place furniture (tables, chairs etc.) on a public area for use by their customers. There is no requirement for a similar pavement café arrangement set up in a private area to comply with the Act.
- 3.6** However, the licensed area will remain a public place for the purpose of public order, environmental or other legislation and the furniture placed within the licensed area is considered to be of a temporary nature and must be removed within 20 minutes.

- 3.7 A Pavement Café Licence cannot be regarded as a substitute for any other licence or consent that may be required by statute or otherwise. For example, a pavement café associated with a mobile kiosk may be licensed under the Act but the kiosk itself still needs to be licensed under the Street Trading Act (NI) 2001.
- 3.8 If the Council considers that, by permitting persons to consume alcohol within an area covered by a Pavement Café Licence is likely to result in disorder, they can place an alcohol prohibition as a standard condition, requiring the licence holder not to permit the consumption of alcohol in the public area, even if the premise holds a Liquor Licence.
- 3.9 As with other licensing applications councils must consult with statutory agencies; in this instance Transport NI for all applications and, where the premises are licensed for the sale of alcohol, the PSNI.

Consistency of Approach

- 3.10 The introduction of any new legislation it is open to interpretation by the industry and councils alike. Conflicting interpretations and advice leads to inconsistency and is not good for business, especially as Northern Ireland now has multiple retailers who operate across the Province and expect the same standard of advice, interpretation and consistency.
- 3.11 As a result, the Licensing Forum NI, which is Chaired by the Building Control Manager, has set up working groups with representatives from the 11 Councils to establish consistency of approach and to seek ways to reduce the administrative burden on councils and businesses alike.
- 3.12 The working groups have been tasked with examining the legislation, draft application forms, applicant guidance information and to engage with key stakeholders such as Transport N.I., PSNI and the Planning Service.
- 3.13 The Act will give Council's similar powers to other licensing functions. We will be able to impose a range of licence conditions, charge a reasonable fee and may vary, suspend or revoke the licence in certain conditions. Councils will also have the power to remove facilities at unlicensed pavement cafés.
- 3.14 Whilst the provision of pavement cafés is encouraged, it is important that they are properly situated and managed. There is scope to ensure that they enhance the locality in which they are to be situated and do not create undue noise disturbance or other nuisance to residents or neighbouring businesses.

- 3.15 A key consideration prior to licensing will be that the Pavement cafe does not obstruct the footpath or footway and do not create a hazard for pedestrians, particularly those with a physical or visual impairment.

Working with the Industry

- 3.16 Officers are mindful of the businesses that are currently placing tables and chairs on the pavement in the City and are very keen to develop a fair and reasonable approach to the enforcement and administration of the legislation within Belfast, an approach which is similarly shared by officers in the other Councils with whom we have been engaging.
- 3.17 The Service has been operating a Customer Forum for some time now and, through this, we have been raising awareness of the introduction of the Act. We will continue this engagement over the coming months and seek further input from Hospitality Ulster as well.
- 3.18 In addition, we will shortly be making a presentation to the Public Space Management Action Group, which is facilitated by BCCM, to update them on progress with the Act. The intention is then to commence meaningful engagement with this body to help develop guidance and introduce a fair and equitable pavement café licensing system which minimises the burden of regulation on business.

Fees

- 3.19 As previously mentioned, councils will also have the ability to impose a reasonable fee for the new function. This is a similar power to that granted to councils regarding the licensing of Sex Establishments and Street Trading, where we also have the ability to determine an appropriate fee.
- 3.20 Work has been ongoing in the Licensing Forum NI to develop a consistent approach to how the fees may be set, although it will remain the responsibility of each council to determine their own fees. A further report will be submitted to your meeting in June outlining our proposals regarding appropriate charges for the new function.

Financial and Resource Implications

- 3.21 The introduction of the new legislation will have administrative and resource implications for all councils. For instance, we will be required to develop new application forms and accompanying guidance, to put in place new

application assessment and administrative procedures, provide guidance and training for officers and agree new Committee arrangements for considering applications. We will also have to develop policies around the new function as matters progress.

3.22 Once the Act is commenced, we anticipate there will be around 300 applications to process and considerable awareness raising will need to be undertaken with the businesses this will affect.

3.23 The Act enables councils to set fees such that they may recover any costs incurred in administering and enforcing the legislation and this will be the basis upon which we will report fee charging options to Members at your next meeting.

#### Equality or Good Relations Implications

3.24 We will assess the equality and good relations implications with the introduction of the legislation and liaise with the Council's Equality and Diversity Officer to ensure that all potential issues are appropriately addressed.

3.25 A completed screening form will also be forwarded to them for approval."

After discussion, the Committee endorsed the work which had, to date, been undertaken by the Building Control Service in preparation for the commencement of the Licensing of Pavement Cafés Act (Northern Ireland) 2014 and noted that it would receive further reports as that work progressed.

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

##### Licences Issued under Delegated Authority

The Committee noted a list of licensing applications which had been granted under the Council's Scheme of Delegation.

##### Application for Extended Hours - Féile An Phobail, Falls Park

The Building Control Manager informed the Committee that an application had been received from the organisers of Féile an Phobail in relation to a number of proposed events which would be taking place within a marquee in the Falls Park during the month of August. He explained that the Council's City and Neighbourhoods Services Department held both a Seven-day Annual Outdoor Entertainments Licence and a Fourteen-day Occasional Marquee Entertainments Licence for the venue, which it transferred to promoters for the duration of their event. Under the terms of those licences, entertainment was permitted to take place from Monday to Sunday between the hours of 11.30 a.m. and 11.00 p.m. and special conditions were attached to each

Licence in relation to occupancy levels, early consultation with residents and businesses, extended hours and addressing complaints.

He reported that the organisers of the festival had requested that the Committee give consideration to permitting entertainment to run until midnight from Thursday, 4th till Sunday, 14th August in order to allow them to deliver a programme of diversionary activities for young people, which would include sport and discussion sessions. The programme of entertainment was in the process of being finalised but would be similar to that of previous years.

He reminded the Committee that, at its meeting on 20th May, 2015, it had granted approval for the organisers to operate till midnight on eight nights within the marquee and that it had, at recent meetings, approved requests for similar events taking place in Custom House Square and in Writers' Square. He pointed out that, since this application related to the extension of the hours permitted under an existing licence condition, rather than the variation of the Entertainments Licence itself, there had been no requirement for it to be advertised. The Police Service of Northern Ireland had offered no objections to the application and would be involved in meetings to review in detail public safety, traffic management, transport and wider operational issues. The organisers had submitted to the Building Control Service a draft event management plan and a proposed site plan and would, as in previous years, be engaging with local residents in advance of the event to address any concerns. He added that officers had, in the past, undertaken inspections of the venue whilst entertainment had been taking place, none of which had identified issues with health, safety and welfare management. In terms of noise nuisance, he confirmed that two complaints had been received in 2015, neither of which had necessitated formal action being taken. Officers were working with the organisers and their representatives to ensure that an appropriate noise management plan was formulated for this year's event, with a view to ensuring that noise from the marquee would not cause undue disturbance to local residents and businesses.

The Committee agreed, in its capacity as Licensing Authority, that the standard hours on the Fourteen-day Occasional Marquee Entertainments Licence for Falls Park be extended to enable entertainment to take place till midnight from Thursday, 4th till Sunday, 14th August, as part of Féile an Phobail, subject to all technical requirements being met to the satisfaction of Council officers.

**Application for the Renewal of a Seven-day Annual Indoor Entertainments Licence - Caulfield's Bar, 685 Springfield Road**

The Committee was informed that an application had been received for the renewal of a Seven-day Annual Indoor Entertainments Licence in respect of Caulfield's Bar, based upon the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind.

The Building Control Manager explained that, in previous years, the Entertainments Licence had been renewed under the Council's Scheme of Delegation. However, given that the two licensees had, on 8th March, been convicted at the Belfast Magistrates Court of an offence under the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, the Committee was required, in accordance

with that Order, to take those convictions into account when assessing the current application. The offence had related to a final exit door being locked shut whilst entertainment was taking place and had been detected by officers of the Building Control Service during an inspection of the venue on 4th July, 2015. As a result, the licensees had been fined a total of £200 and been required to pay costs of £69.

He reported that, since the offence had been detected, officers had met with the licensees and had visited the premises and were satisfied that appropriate operational and management procedures were now in place to safeguard the safety of patrons, performers and staff. He added that no written representations had been received in relation to the application, neither the Northern Ireland Fire and Rescue Service nor the Police Service of Northern Ireland had offered any objection and the Council's Environmental Protection Unit had received no complaints regarding noise disturbance from the premises.

The Committee agreed, in its capacity as Licensing Authority, to renew a Seven-day Annual Indoor Entertainments Licence in respect of Caulfield's Bar, 685 Springfield Road.

**Applications for the Renewal of a Seven-day Annual Indoor Entertainments Licence and the Grant of a Seven-day Annual Outdoor Entertainments Licence – Box Nightclub, Units 1 and 8 Queen's Quay**

The Building Control Manager submitted for the Committee's consideration a report which provided details of applications for the renewal of a Seven-day Annual Indoor Entertainments Licence and for the grant of a Seven-day Annual Outdoor Entertainments Licence in respect of the Box Nightclub, based upon the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind.

He reported that the venue operated currently as a nightclub and that it was licensed to provide indoor entertainment, in the form of a DJ, in the ground floor bar, the first floor bar and the first floor VIP bar from Monday to Saturday till 3.00 a.m. and on a Sunday till 2.00 a.m. Special conditions were attached to the licence around the control of occupancy figures and the holding of review meetings. The applicant was now seeking to provide entertainment within an outdoor smoking area, which was located to the front of the SSE Arena and which was covered by a Liquor Licence. The days and hours during which entertainment would be provided in that area would be the same as those on the Indoor Entertainments Licence and there would be no increase in the nightclub's current maximum occupancy figure of 1730 patrons.

He pointed out that no written representations had been received in relation to the application and that the Police Service of Northern Ireland and the Northern Ireland Fire and Rescue Service had offered no objection. In such instances, it was normal practice for Entertainments Licences to be issued under the Council's Scheme of Delegation. However, since the applicant had, on 17th November, 2015, been convicted at the Belfast Magistrates Court of providing entertainment in the aforementioned smoking area without a valid Entertainments Licence, both applications had, as required under the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, been placed before the Committee for consideration. The applicant had been fined £200 and been required to pay costs of £69 as a result of the offence.

The Building Control Manager informed the Members that, since the offence had been detected, officers had met with the applicant and had visited the venue and were satisfied that it was now being managed in accordance with the Entertainments



Licensing legislation. In addition, the Council's Environmental Protection Unit had, during the past year, received no complaints regarding noise nuisance and it was assessing currently an acoustic report identifying measures to be put in place to minimise disturbance to neighbouring properties from noise breakout or patron dispersal. He stressed that, should the Committee be minded to grant the Outdoor Entertainments Licence, it would not be issued until such time as all technical matters had been resolved and the proposed noise levels had been verified and agreed.

The Committee agreed, in its capacity as Licensing Authority, to renew a Seven-day Annual Indoor Entertainments Licence and to grant a Seven-day Annual Outdoor Entertainments Licence in respect of Box Nightclub, Units 1 and 8 Queen's Quay, with entertainment being permitted in the outdoor smoking area from Monday to Saturday till 3.00 a.m. and till 2.00 a.m. on a Sunday, subject to all technical requirements being met to the satisfaction of Council officers.

**Applications for the Renewal of Seven-day Annual Indoor and Outdoor Entertainments Licences - The Hudson Bar, 10-14 Gresham Street**

The Committee was advised that an application had been received for the renewal of Seven-day Annual Indoor and Outdoor Entertainments Licences in respect of the Hudson Bar, based upon the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind.

The Building Control Manager reported that one objection to the application had been received within the twenty-eight day statutory period and that a further one had been submitted outside that timeframe. He outlined the nature of those objections and confirmed that, under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, the Committee, when considering an application, must have regard to any representation which had been received within the twenty-eight day statutory period. However, where an objection had been lodged outside that period, the Committee could exercise its discretion and agree to receive the objector, although it did not have a duty to do so.

The Committee agreed, in view of the relevance of the objections, to exercise its discretion and to consider both objections at a future meeting, to which the objectors and the applicant would be invited.

**Update on Application for a Seven-day Annual Indoor Entertainments Licence - Thompson's Garage, 3 Patterson's Place**

Prior to this item being considered, the Chairperson informed the Committee that he had been advised by the Divisional Solicitor of the need, in accordance with the legal requirements contained within the Local Government Act (Northern Ireland) 2014, to restrict the information surrounding the application.

Accordingly, with the exception of the Council's Communications Officer, all persons seated within the public area of the room were excluded from the meeting to enable the matter to be considered in private.

The Committee was reminded that, at its meeting on 20th April, it had agreed to defer consideration of an application for the renewal of a Seven-day Annual Indoor Entertainments Licence in respect of Thompson's Garage for a period of one month, to enable officers to obtain clarification from the Public Prosecution Service and the Police Service of Northern Ireland on the status of a potential prosecution arising from an alleged incident which had taken place within the premises on 12th March, 2015.

The Building Control Manager reported that the Public Prosecution Service had since confirmed that legal proceedings had been issued in relation to that incident and were due before the court on 31st May.

After discussion, the Committee agreed:

- i) to defer consideration of the application until the outcome of the legal proceedings had been determined;
- ii) that information be sought from the Police Service of Northern Ireland on the number of reported incidents which had, in recent years, occurred in the vicinity of Thompson's Garage; and
- iii) that clarification be provided at a future meeting on the procedures in place to deal with restricted reports and the exclusion of the public from Committee meetings.

(Councillor Clarke, the Deputy Chairperson, in the Chair.)

#### **Consideration of Designating Resolutions for New Street Trading Sites/Variation of Commodities/Rescinding of Existing Street Trading Sites**

The Committee considered the following report:

##### **"1.0 Purpose of Report**

- 1.1 **The Committee will recall that, last year, it granted approval to initiate the statutory process for designating a number of new Street Trading Sites in the City, which had been identified as a result of applications or expressions of interest received from individuals wishing to trade from new sites.**
- 1.2 **At that meeting, the Committee granted approval also to initiate the statutory process to vary the commodities at a site already designated and to consider the rescinding of another designated site.**

- 1.3 This process involved seeking comments from interested parties, including relevant statutory bodies, through public advertisement and consultation.
- 1.4 The Street Trading Act (NI) 2001 requires the Council to make sure that each application is fairly and objectively assessed, that all relevant factors are considered and, in doing so, the Council must consult with the:
- a) PSNI, and
  - b) Department for Regional Development, Transport N.I.
- 1.5 The Council may also consult other persons as it considers appropriate. Such consultees may include the following:
- a) Relevant Belfast City Council Departments.
  - b) Belfast City Centre Management Company.
  - c) Nearby Street Trading Licence holders who may be affected.
  - d) Local residents, business and commercial premises in the vicinity of the site in respect of which the application has been received.
- 1.6 Subsequently, the Service has received responses to the applications from a variety of interested parties and individuals.
- 1.7 The purpose of this report is to enable the Committee to consider each of the proposals in conjunction with any submissions received and make a decision on whether or not to designate each site.

## 2.0 Recommendations

- 2.1 Based on the information presented, the Committee is requested to consider each proposal in turn and to decide whether to:
- 1. approve a Designating Resolution to designate the whole street or part of the street (site/s), where it may allocate street trading pitches for Sites A-E. The Designating Resolution will include the operational date and may stipulate either:

- only specified articles, things or services or classes of specified articles, things or services that may be sold or supplied; or
  - specified articles, things or services or classes of specified articles, things or services that are prohibited.
2. approve the variation of the Designating Resolution at Site F. The Designating Resolution will include the operational date and may stipulate either:
    - only specified articles, things or services or classes of specified articles, things or services that may be sold or supplied; or
    - specified articles, things or services or classes of specified articles, things or services that are prohibited.
  3. approve the rescinding of the Designating Resolution at Site G.
  4. decide not to proceed with any or all of the proposals.
- 2.2 In addition to making any Designating Resolution, the Committee may, having considered all comments, record any reasonable conditions that should be applied to a subsequent licence. For example, these may include hours of trade, days of trade, duration of licence, etc.
- 2.3 Members are reminded that, once the sites become designated, you will subsequently have to consider any applications that may be received for a Street Trading Licence on any of the sites.
- 2.4 At that time, you will assess the suitability and quality of the proposals and may decide to grant or refuse a licence within the requirements of the Act. Any Street Trading Licence granted may also be subject to reasonable conditions which can be used to control the commodities being sold, and potential nuisance, etc.

**3.0 Main report**

**Key Issues**

- 3.1** Each site is listed separately from A to G and indicated with their specific site location.
- 3.2** Where appropriate, the commodities are also considered in addition to a synopsis of the comments received during the consultation period. Copies of all the responses are also contained within the attached appendix.
- 3.3** Maps and photographs of each location will be presented to you at your meeting.

**New Streets or Part Thereof**

**SITE A**

Hillview Road – Site situated on the left hand side of the road approximately 70m from the Hillview retail park entrance heading in the direction of the Oldpark Road (1 site)

- 3.4** The proposal is for hot and cold food, non-alcoholic beverages, confectionery or similar commodities. The site will operate during the day. The proposed size of the site is 6 metres in length and 2.5 metres in width and is located on the carriageway.

**PSNI**

- 3.5** No objection.

**DRD Transport N.I**

- 3.6** No objection.

**Published 28-day Notice**

- 3.7** No responses were received to the notice.

**SITE B**

Cliftonville Road – Site situated in a lay-by opposite numbers 95 to 99 (1 site)

- 3.8** The proposal is for hot and cold food, non-alcoholic beverages, confectionery or similar commodities. The site will operate during the day. The proposed size of the site is

6 metres in length and 2.5 metres in width and is located on the carriageway.

PSNI

3.9 No objection.

DRD Transport N.I

3.10 No objection.

Published 28-day Notice

3.11 No responses were received to the notice.

SITE C

Queen's Quay – Site situated beside Lagan Weir foot bridge (3 sites)

3.12 This site is currently owned by DSD Regeneration Directorate. DSD proposed the three new sites as an extension to six sites already in operation at Donegall Quay on the other side of the Lagan Weir footbridge. Commodities are yet to be determined. Any subsequent Street Trading Licence will be in agreement with the DSD.

PSNI

3.13 No objection.

DRD Transport N.I

3.14 Transport N.I. has no objection in principle, however, it has concerns about how these pitches will be serviced. Members are advised that we will liaise with Transport N.I. about these concerns at any subsequent licensing stage should you be minded to approve the Designating Resolution.

Published 28-day Notice

3.15 No responses were received to the notice.

SITE D

220 Stewartstown Road – Site situated within car park (1 site)

3.16 The proposal is for the sale of wet fish. The site will operate during the day. The proposed size of the site is 6 metres in

length and 2.5 metres in width and is located on the carriageway.

**PSNI**

- 3.17 No objection.

**DRD Transport N.I**

- 3.18 No objection.

**Published 28-day Notice**

- 3.19 No responses were received to the notice.

**Other Consultees**

- 3.20 The owner of the carpark, Lagmore Developments, has given permission to use the carpark for the sale of wet fish.

**SITE E**

Mountpottinger Link – Site situated at the junction with Mountpottinger Road, on the left hand side of the road on the foot path (1 site)

- 3.21 The proposal is for hot and cold non-alcoholic beverages, confectionery and cold food or similar commodities. The site will operate during the day. The proposed size of the site is 6 metres in length and 2.5 metres in width and is located on the carriageway.

**PSNI**

- 3.22 No objection.

**DRD Transport N.I**

- 3.23 As the proposal indicates the street trading pitch to be on the footway, the DRD has advised that it would be opposed to any application that would permit a vehicle to park on the footway. Servicing on this site needs to be considered, as there is a prohibition of any vehicles parking within 15 metres of the junction of three roads. This prohibition also includes a ban on loading and unloading.

**Published 28-day Notice**

- 3.24 One response was received to the notice. A local business known as 'Mamies', a convenience store on Mountpottinger Road, is objecting as they feel that the site would be very

detrimental not only to their business but to all the other shops within 100metres of this site.

Variation of Commodities

SITE F

Lombard Street – Site situated at the junction with Rosemary Street beside the flower planter

- 3.25 The current designated site allows for the commodity to be determined but excludes the sale of food and beverage products of any nature. The proposal is to allow for ice cream, crepes and hot and cold non-alcoholic beverages.

PSNI

- 3.26 No objection.

DRD Transport N.I

- 3.27 Transport N.I has no objection as long as any subsequent licence is for a stall and not a vehicle.

Published 28-day Notice

- 3.28 No responses were received to the notice.

Other Consultees

- 3.29 Belfast City Centre Management has objected to the variation. It has advised that there are already eight food and drink rate paying establishments within the radius of Lombard Street and Rosemary Street including:

- Clements Café
- Sarnies
- Arthurs Café
- Deli-lites
- Café Nero
- Café Uno
- Blu restaurant
- Blinkers Restaurant

- 3.30 BCCM considers that the same service is already being provided by these businesses.



**Rescinding of Designating Resolution**

**SITE G**

**Donegall Square North – Site situated at front of City Hall close to its junction with Donegall Square West**

- 3.31 The current designation allows for the commodity to be determined but excluding the sale of hot food and bus tour tickets.**
- 3.32 Members are advised that at a meeting of the Licensing Committee on the 16th April 2014, the Committee considered varying the commodities at the previously designated site at Donegall Square North (at front of City Hall close to its junction with Donegall Square West).**
- 3.33 Following the comments that were received during that consultation and also due to the fact that this site was unlicensed since November 2013, Members asked that consideration should be given to rescinding the Designating Resolution for this site.**

**PSNI**

- 3.34 No objection.**

**DRD Transport N.I**

- 3.35 No objection.**

**Published 28-day Notice**

- 3.36 One response was received to the notice from Mr Des Grehan. Members may be aware that Mr Grehan was the previous licensee at this location. He has written to the Council stating that he believes that street trading should be retained for the following reasons:**

- 1. There is no other location where local art can be displayed so prominently in the streets of Belfast;**
- 2. The location is on a tourist route;**
- 3. Quality art and artefacts are a good advertisement for Belfast;**
- 4. The location acts as tourist information hub.**

**Other Consultee**

**3.37 Belfast City Centre Management made no comment.**

**Financial and Resource Implications**

**3.38 The cost of all notices is included in current revenue budgets. The required notice to confirm the designation will cost approximately £5,000 as it must be placed in three newspapers for two consecutive weeks.**

**Equality or Good Relations Implications**

**3.39 There are no equality or good relations issues.”**

The Committee then proceeded to consider the following locations:

**Designation of Streets or Part Thereof**

**Hillview Road** (approx. 70 metres from the entrance to the Hillview Retail Park)

The Committee agreed not to designate this site, on the grounds that it was located on the roadway, which could compromise the safety of road users.

**Cliftonville Road** (in the lay-by opposite numbers 95 to 99)

The Committee agreed not to designate this site, on the grounds that the sale of hot foot could have health implications for pupils attending a number of nearby schools.

**Queen's Quay** (3 sites beside the Lagan Weir Footbridge)

(Commodities to be determined)

The Committee agreed to designate these sites, with effect from 31st July, 2016.

**220 Stewartstown Road** (within car park)

The Committee agreed to designate this site for the sale of wet fish, with effect from 31st July, 2016.

**Mountpottinger Link** (at its junction with Mountpottinger Road)

The Committee agreed, in view of the road safety concerns which had been raised by Transport NI, not to designate this site.

**Variation of Commodities**

**Lombard Street** (at its junction with Rosemary Street)

The Committee agreed, in light of the objection which had been submitted by Belfast City Centre Management, not to vary the Designating Resolution for this site, on the grounds that the area was already well serviced in the type of commodities to be offered for sale.

**Rescinding of Designating Resolution**

**Donegall Square North**

(at the front of the City Hall, close to its junction with Donegall Square West)

The Committee agreed, having taken into account the views of the previous licence-holder, not to rescind the Designating Resolution for this site.

**Last Meeting**

Councillor Hussey referred to the fact that this had been his last meeting in the role of Chairperson, as a new Chairperson was due to be appointed in June, and thanked the Members and officers for their support over the previous year.

Chairperson