

Public Document Pack

**Democratic Services Section
Chief Executive's Department
Belfast City Council
City Hall
Belfast
BT1 5GS**



**Belfast
City Council**

12th May, 2016

MEETING OF LICENSING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room - City Hall on Wednesday, 18th May, 2016 at 5.00 p.m., for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

AGENDA:

1. Routine Matters

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

2. Delegated Matters

- (a) Licences Issued under Delegated Authority (Pages 1 - 4)
- (b) Application for Extended Hours - Féile An Phobail, Falls Park (Pages 5 - 14)
- (c) Application for the Renewal of a Seven-day Annual Indoor Entertainments Licence - Caulfield's Bar, 685 Springfield Road (Pages 15 - 26)

- (d) 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 (Pages 27 - 40)
- (e) Applications for the Renewal of Seven-day Annual Indoor and Outdoor Entertainments Licences - The Hudson Bar, 10-14 Gresham Street (Pages 41 - 60)
- (f) Update on Application for a Seven-day Annual Indoor Entertainments Licence - Thompson's Garage, 3 Patterson's Place (Pages 61 - 62)
- (g) Consideration of Designating Resolutions for New Street Trading Sites/Variation of Commodities/Rescinding of Existing Street Trading Sites (Pages 63 - 78)

3. **Non-Delegated Matters**

- (a) Update on the Licensing of Pavement Cafes Act (Northern Ireland) 2014 (Pages 79 - 82)



Subject:	Licences Issued under Delegated Authority
Date:	18th May, 2016
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

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

1.0	Purpose of Report/Summary of Main Issues		
1.1	Under the Scheme of Delegation, the Director of Planning and Place 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 entertainments licences where adverse representations have been made. For your information those applications dealt with under the Scheme are listed below.		
2.0	Recommendation		
2.1	The Committee is requested to note the applications which have been issued under the Scheme of Delegation.		
3.0	Main report		
3.1	<u>Key Issues</u>		
	Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, the following Entertainment Licences were issued since your last meeting:		
	Premises and Location	Type of Application	Hours Licensed
	Applicant		
	Avoniel Leisure Centre, Avoniel Road, Belfast, BT5 4SF	Renewal	Sun - Sat: 08.00 - 01.00
	Greenwich Leisure Limited		
	Ballysillan Leisure Centre, 71 Ballysillan Road, Belfast, BT14 7QQ	Renewal	Sun - Sat: 08.00 - 01.00
	Greenwich Leisure Limited		

	Premises and Location	Type of Application	Hours Licensed	Applicant
	Belvoir Activity Centre, 100 Belvoir Drive, Belfast, BT8 7DT	Renewal	Sun - Sat: 08.00 - 01.00	Greenwich Leisure Limited
	Falls Leisure Centre, 11-17 Falls Road, Belfast, BT12 4PB	Renewal	Sun - Sat: 08.00 - 01.00	Greenwich Leisure Limited
	Loughside Recreation Centre, Shore Road, Belfast, BT15 4HS	Renewal	Sun - Sat: 08.00 - 01.00	Greenwich Leisure Limited
	Olympia Leisure Centre, Boucher Road, Belfast, BT12 6HR	Renewal	Sun - Sat: 08.00 - 01.00	Greenwich Leisure Limited
	Shankill Leisure Centre, 100 Shankill Road, Belfast, BT13 2BD	Renewal	Sun - Sat: 08.00 - 01.00	Greenwich Leisure Limited
	Park Avenue Hotel, 158 Holywood Road, Belfast, BT4 1PB	Renewal	Sun - Sat: 11.30 - 01.00	Mrs. Amanda Patrick
	QUB South Dining Hall, University Road, Belfast, BT7 1NN	Renewal	Mon - Fri: 08.00 - 01.00 Sat: 08.00 - 00.00	Mr. James O'Kane
	QUB, Centre For Drama & Film Studies, 20 University Square, Belfast, BT7 1PA	Renewal	Sun: 12.30 - 00.30 Mon - Sat: 11.30 - 01.00	Mr. James O'Kane
	QUB, Elms Student Centre, 78 Malone Road, Belfast, BT9 5BU	Renewal	Sun: 08.00 - 00.00 Mon - Sat: 08.00 - 01.00	Mr. James O'Kane
	QUB, Elmwood Hall At Queens, 89 University Road, Belfast, BT7 1NF	Renewal	Sun: 08.00 - 23.00 Mon - Fri: 08.00 - 01.00 Sat: 08.00 - 00.00	Mr. James O'Kane
	QUB, Riddel Hall, 185 Stranmillis Road, Belfast, BT9 5EE	Renewal	Sun - Sat: 08.00 - 01.00	Mr. James O'Kane
	QUB, Sir William Whitla Hall, University Road, Belfast, BT7 1NN	Renewal	Sun - Sat: 08.00 - 01.00	Mr. James O'Kane
	QUB, Sonic Arts & Computer Science Research Centre, Ashby Complex, Cloreen Park, Belfast, BT9 5BX	Renewal	Sun - Sat: 08.00 - 01.00	Mr. James O'Kane
	QUB, Students Union, 79 University Road, Belfast, BT7 1NF	Renewal	Sun - Sat: 11.00 - 03.00	Mr. James O'Kane
	QUB, The Club House, Queen's Sport, Upper Malone Road, Belfast, BT9 5NB	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr. James O'Kane
	QUB, The Harty Room, University Square, Belfast, BT7 1NN	Renewal	Sun: 08.00 - 23.00 Mon - Fri: 08.00 - 01.00 Sat: 08.00 - 00.00	Mr. James O'Kane

Premises and Location	Type of Application	Hours Licensed	Applicant
QUB, The Great Hall, University Road, Belfast, BT7 1NN	Renewal	Sun: 08.00 - 00.00 Mon - Sat: 08.00 - 01.00	Mr. James O'Kane
St Galls G.A.C, 4-12 Milltown Row, Belfast, BT12 6EU	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Brendan Gallagher
The Belfast Barge, Lanyon Quay, Belfast, BT1 3LQ	Renewal	Sun - Sat: 08.00 - 00.00	Ms. Shanán Slow
The Farmer's Inn, 91 Colinglen Road, Belfast, BT17 0LW	Grant	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr. Eamonn Carberry
The National Grande Cafe Bar & Sixty6 (Outdoor) 62-68 High Street, Belfast, BT1 2BE	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr. Conal Wolsey
University of Ulster, York Street, Belfast, BT15 3HE	Renewal	Sun - Sat: 08.00 - 01.00	Mr. Patrick Donnelly
W5, Odyssey Pavilion, 2 Queens Quay, Belfast, BT3 9QQ	Renewal	Sun - Sat: 08.00 - 01.00	Mr. Richard Gapper
Ballynafeigh Orange Hall, 413 Ormeau Road, Belfast, BT7 3GP	Renewal	Sun - Sat: 08.00 - 01.00	Mr. Cecil Hall
Belfast Harlequins, 45A Deramore Park, Belfast, BT9 5JX	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Ms. Jill Gilpin
Duke of York, 11-13 Commercial Court, Belfast, BT1 2NB	Renewal	Sun: 12.30 - 0.00 Mon - Thur: 11.30 - 01.00 Fri - Sat: 11.30 - 02.00	Mr. Willie Jack
Fratelli Belfast Ltd., Unit 1, 60 Great Victoria Street, Belfast, BT2 7BB	Grant	Sun: 12.30 - 0.00 Mon - Sat: 11.30 - 01.00	Mr. Colin Johnston
Longfellows Bar, 115-119 My Lady's Road, Belfast, BT6 8FD	Renewal	Sun: 12.30 - 0.00 Mon - Sat: 11.30 - 01.00	Mr. Maxwell Swain
Malone Golf Club, 240 Upper Malone Road, Belfast, BT17 9LB	Renewal	Sun - Sat: 08.00 - 01.00	Mr. Patrick Dean
Manor Snooker Club, 701A Lisburn Road, Belfast, BT9 7GU	Renewal	Sun - Sat: 08.00 - 01.00	Mr. Brian McKenna
McHugh's Bar, 29-31 Queens Square, Belfast, BT1 3FG	Renewal	Sun: 11.00 - 01.00 Mon - Sat: 11.00 - 03.00	Mr. Henry Downey

3.2

Under the terms of the Street Trading Act (Northern Ireland) 2001, the following Street Trading Licences were issued since your last meeting.

Premises and Location	Type of Application	Commodity	Hours Licensed	Applicant
Donegall Quay	Stationary	Bakery products, confectionery and non-alcoholic beverages	Mon – Sun: 09.00 – 21.00	Mrs. Dana Jamison
Blackstaff Square	Stationary	Cold food, non-alcoholic beverages, confectionery and bakery products	Mon – Fri: 07.00 – 19.00	Mr. Paul Vickery
Ballyhackamore, Stranstown, Bloomfield, Ballymacarrett, Ballynafeigh, Sydenham, Knocknagoney and Belmont	Mobile	Ice cream, confectionery and non-alcoholic beverages	Mon – Sat: 12.00 – 21.00	Mr. Neal Adair
Festival of Fools, Writers Square	Temporary	Hot food, confectionery and non-alcoholic beverages	30/4/2016 to 2/5/2016 11.00 – 18.00	Miss Sarah Kelly

3.3

Financial and Resource Implications

None

3.4

Equality or Good Relations Implications

There are no equality and good relations issues.

4.0

Documents Attached

None



Subject:	Application for Extended Hours - Féile An Phobail, Falls Park
Date:	18th May, 2016
Reporting Officer:	Mr. Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Mr. Patrick Cunningham, Assistant Building Control Manager, ext. 6446

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

1.0	Purpose of Report or Summary of main Issues
1.1	To consider a request from the organisers of Féile An Phobail to hold an 11-day music event within a marquee at Falls Park, running from Thursday 4th August to Sunday 14th August 2016, and to permit the entertainment to run beyond 11.00 pm to 12.00am on each night.
1.2	It is a standard condition of the Marquee Entertainments Licence that all requests to operate beyond the permitted hours of entertainment must be considered by the Licensing Committee.
1.3	A copy of the letter from the organisers outlining the background to the festival and the reasons for requesting the extended hours to 12.00 am is attached at Appendix 1.
1.4	A location map is attached at Appendix 2.
2.0	Recommendations
2.1	<p>Taking into account the information presented and any representations received you are required to consider the request to extend the hours of entertainment and, subject to all technical requirements being met, either:</p> <ol style="list-style-type: none"> 1. agree if any or all of the eleven events should be permitted to take place beyond the standard hours of licence to 12.00am or; 2. refuse to extend any or all of the hours as requested.

3.0	Main report
	<u>Key Issues</u>
3.1	Members are advised that a Seven-day Annual Outdoor Entertainments Licence and a Fourteen-day Occasional Licence for a Marquee has been granted for Falls Park and both have been used to hold numerous events in the past, primarily for this event. The licences are held by the Parks Service of the City and Neighbourhoods Department and are transferred to the promoter for the duration of their event.
3.2	The days and hours during which entertainment may be provided both outdoors and in a marquee are Monday to Sunday from 11.30 am to 11.00 pm.
3.3	<p>In addition, the following special conditions are attached to both the Marquee and Outdoor licence:</p> <ol style="list-style-type: none"> 1. maximum numbers will be agreed at the discretion of the Building Control Service and will vary depending upon individual concert set up proposals 2. prior to any event taking place the promoters are required to demonstrate evidence of early consultation and have in place a robust system of dealing with any complaints, which has been agreed in advance with the Council 3. any requests to provide entertainment later than 23:00hrs must be considered by the Licensing Committee and therefore must be made at least 3 months in advance of the proposed event and 4. should the Council receive a significant number of noise complaints for any event which has successive nights of entertainment permitted beyond 23:00hrs or if a complaint about an event beyond 23:00hrs is of major concern, then those successive nights with later hours may be subject to reduction and the promoter should have appropriate arrangements in place should this occur.
3.4	The organisers have not yet finalised the artists to perform at this year's event but they have confirmed that the genre and type of entertainments will be similar to previous years. These include traditional Irish music, rock, indie rock, folk and ska music.
3.5	The organisers have requested that you give consideration to permitting eleven nights of entertainment to run beyond 11.00 pm to 12.00 am.
3.6	As this is not an application to vary the terms of the marquee licence but a request for Council's permission to extend the hours under an existing licence condition, there is no requirement for public advertisement in this case.
3.7	Members may recall that last year you agreed to grant the organisers permission to operate on eight nights of the event at the venue beyond the standard hours of 11.00 pm to 12.00 am.
3.8	The Committee has granted extensions beyond the standard hours of 11.00 pm for other events and most recently at your April meeting for the Belfast City Blues Festival at Writer's Square and at your March meeting for the Cathedral Quarter Arts Festival and the Belfast Brewing and Distilling Festival.
3.9	Whilst recognising that such events contribute to the overall vibrancy of the City, it is also the case that noise from these events has the potential to cause widespread disturbance to those living and working in the vicinity.

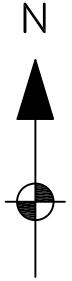
3.10	<p>However, before granting any extension, the Committee has always carefully considered the financial and commercial benefits of such events against the interests of residents within the area and has, on occasions, agreed with respective promoters to reduce the number of nights they had originally intended to go beyond the standard hours of 11.00pm in order to reduce the impact the event may have upon them.</p> <p><u>Event Documentation</u></p>
3.10	<p>The Service has received a draft copy of the Event Management Plan and a proposed site plan. Officers are currently liaising with the organisers to ensure that all technical requirements will be met and work is ongoing in this regard.</p>
3.11	<p>The event organisers have provided a detailed list of contacts who they will engage with closer to the event taking place. The contacts comprise of Resident Associations and local community representatives in the area. In previous years the organisers have engaged with the local community prior to the event taking place in the form of consultation meetings and by means of a resident's notification letter.</p>
3.12	<p>Representatives of Féile An Phobail will be available at your meeting should you wish to seek further information about their event.</p> <p><u>PSNI</u></p>
3.13	<p>The PSNI has been consulted in relation to the event and has confirmed that the organisers have already been in contact with them about this year's proposals. The Police is also aware of their request to operate all nights beyond the permitted hours to 12.00 am and has no objections to the request. A copy of its comments is attached at Appendix 3.</p>
3.14	<p>Members are advised that, as with all such events, a series of detailed planning meetings will be held, some of which have begun, to look at traffic management, transport and any wider operational policing issues.</p> <p><u>Health, Safety and Welfare Issues</u></p>
3.15	<p>Officers from the Service have carried out during performance inspections over previous years events organised by Féile An Phobail and have always found the organisers to be professional in their approach and have had no issues with the health, safety and welfare management of the events during that time.</p>
3.16	<p>Officers will continue to work with the organisers of the event and coordinate the relevant agencies and personnel required to be involved for the event.</p> <p><u>Noise issues</u></p>
3.17	<p>The Environmental Protection Unit (EPU) has been consulted in relation to the request for late night entertainment to run to 12.00 am on each night of the event at Falls Park.</p>
3.18	<p>Given the cumulative impact of several late consecutive nights and the potential for sleep disturbance to nearby residents, officers are concerned that there is a greater potential for complaints after 11.00 pm. Members are reminded that the Clean Neighbourhood and Environment Act (Northern Ireland) 2011 gives councils additional powers in relation to entertainment noise after 11.00pm.</p>

3.19	<p>Last year a total of 2 complaints were received over the course of the 10 day event, neither complaint resulted in any formal action being taken by the Council. In 2014 a total of 2 complaints were also received and in 2013 a total of 22 noise complaints were received to the event which was also held over 10 days.</p>
3.20	<p>As in previous years, officers are currently working with the organisers and their representatives regarding a suitable noise assessment and noise management plan for the festival. The noise assessment must demonstrate that noise from the event will not cause unreasonable disturbance to commercial and residential premises.</p>
3.21	<p>Officers will consider all reports and supporting information to ensure the technical requirements are in accordance with all the relevant legislation and guidance.</p> <p><u>Applicant / Organisers</u></p>
3.22	<p>The applicant and organisers, and/or their representative, will be available at your meeting to answer any queries you may have in relation to the request.</p> <p><u>Financial and Resource Implications</u></p>
3.23	<p>Officers will be required to carry out inspections at the event but this is catered for within existing budgets.</p> <p><u>Equality and Good Relations Implications</u></p>
3.24	<p>There are no equality or good relations issues associated with this report.</p>

4.0	<p>Documents Attached</p> <ul style="list-style-type: none"> • Appendix 1 – Rationale from the organiser regarding the extended hours • Appendix 2 – Location map • Appendix 3 – PSNI correspondence
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Falls Park

Falls Park
Falls Road

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Building Control Service

Belfast Mapping Data v3.0
Prepared by I.S.B.
Based upon the Ordnance Survey
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Subject:	Application for the Renewal of a Seven-day Indoor Entertainments Licence - Caulfield's Bar, 685 Springfield Road
Date:	18th May, 2016
Reporting Officer:	Mr. Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Mr. Patrick Cunningham, Assistant Building Control Manager, ext. 6446

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

1.0	Purpose of Report/Summary of Main Issues						
1.1	<p>To consider an application for the renewal of a Seven-day Annual Indoor Entertainments Licence for Caulfield’s Bar, where the applicant has been convicted of an offence under the Local Government Miscellaneous Provisions (NI) Order 1985 (the Order) within the previous five years.</p> <table><tr><td>Premises and Location</td><td>Ref. No.</td><td>Applicant</td></tr><tr><td>Caulfield’s Bar 685 Springfield Road Belfast, BT12 7FP</td><td>WK/201600695</td><td>Mr Tony Clarke & Mr Douglas Adams Caulfield’s Bar 685 Springfield Road Belfast, BT12 7FP</td></tr></table>	Premises and Location	Ref. No.	Applicant	Caulfield’s Bar 685 Springfield Road Belfast, BT12 7FP	WK/201600695	Mr Tony Clarke & Mr Douglas Adams Caulfield’s Bar 685 Springfield Road Belfast, BT12 7FP
Premises and Location	Ref. No.	Applicant					
Caulfield’s Bar 685 Springfield Road Belfast, BT12 7FP	WK/201600695	Mr Tony Clarke & Mr Douglas Adams Caulfield’s Bar 685 Springfield Road Belfast, BT12 7FP					
1.2	A copy of the application form is attached at Appendix 1.						
1.3	A location map is attached at Appendix 2.						
2.0	Recommendations						
2.1	Notwithstanding the opportunity to refuse the application on any other grounds, the Council may refuse an application for an Entertainments Licence on the grounds that the applicant has been convicted of an offence under the Order within the period of 5 years immediately preceding the date when the application was made.						
2.2	<p>Taking into account the information presented and any representations received you are required to consider the application in light of the previous legal proceedings and to:</p> <ol style="list-style-type: none">1. approve the application for the renewal of the Seven-day Annual Entertainments Licence, or2. approve the application for the renewal of the Seven-day Annual Entertainments Licence with special conditions, or3. refuse the application for the renewal of the Seven-day Annual Entertainments Licence.						

2.3	If the application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the Recorders Court.
3.0	Main Report
	<u>Key Issues</u>
3.1	Members are reminded that the normal process for dealing with Entertainments Licence applications which are not the subject of objections is that the licence will be granted as provided for in the Council's Scheme of Delegation.
3.2	However, in light of the fact that the applicant has been found guilty of committing an offence within five years of the application for the licence being submitted to the Council, you are required to consider the application.
3.3	The application is being placed before the Committee because the applicants, Mr Tony Clarke and Mr Douglas Adams, were convicted of offences under the Order at Belfast Magistrates Court on 8 th March, 2016 for a final exit being locked shut, impeding a designated means of escape from the premises on 4 th July 2015.
3.4	As a result the applicants were fined a total of £200 and ordered to pay court costs of £69 each.
	<u>Premises</u>
3.5	The applicants currently holds a Seven-day Annual Indoor Entertainments Licence and the areas licensed to provide entertainment are the: <ul style="list-style-type: none"> • Ground floor Bar, with a maximum capacity of 200 persons • 1st floor Restaurant, with a maximum capacity of 200 persons
3.6	The days and hours during which the premises are currently licensed to provide entertainment are: <ul style="list-style-type: none"> • Monday to Wednesday: 11.30 am to 12.00 am the following morning, • Thursday to Saturday: 11.30 am to 1.00 am the following morning, and • Sunday: 12.30 am to 2.00 am the following morning.
	<u>Applications Previously Considered</u>
3.7	In the past any renewal applications for the premises have been granted under the Council's Scheme of Delegation, as no previous problems have occurred.
	<u>Representations</u>
3.8	Public notice of the application has been placed and no written representations have been lodged as a result of the advertisement.
	<u>PSNI</u>
3.9	The PSNI has been consulted and has confirmed that it has no objections to the application. A copy of its correspondence is attached at Appendix 3.

	<p><u>Health, Safety and Welfare Inspections</u></p> <p>3.10 Following the offences, Officers met with the applicant to review their management procedures and ensure that appropriate measures are in place to prevent a recurrence.</p> <p>3.11 The premise has been subject to a further during performance inspection and Officers were satisfied that measures were being implemented effectively.</p> <p>3.12 The premise has also been subject to inspection as part of the application process; therefore all operational and management procedures have been checked to safeguard the safety of the public, performers and staff and, in particular, if an emergency situation should occur.</p> <p><u>NIFRS</u></p> <p>3.13 The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and has confirmed that it has no objection to the application.</p> <p><u>Noise issues</u></p> <p>3.14 The Environmental Protection Unit (EPU) has been consulted in relation to the application and has confirmed that no complaints have been received relating to noise break out from the premises or due to patron dispersal.</p> <p><u>Applicant</u></p> <p>3.15 The applicant and/or their representatives will be available at your meeting to answer any queries you may have in relation to the application.</p> <p><u>Financial and Resource Implications</u></p> <p>3.16 Officers carry out during performance inspections on premises providing entertainment which is catered for within existing budgets.</p> <p><u>Equality and Good Relations Implications</u></p> <p>3.17 There are no equality or good relations issues associated with this report.</p>
4.0	Documents Attached
	<p>Appendix 1 – Application form</p> <p>Appendix 2 – Location map</p> <p>Appendix 3 – PSNI correspondence</p>

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Building Control Service

Belfast Mapping Data v3.0
Prepared by I.S.B.
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Of Northern Ireland map with the
permission of the Director & Chief Executive.
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Appendix 2

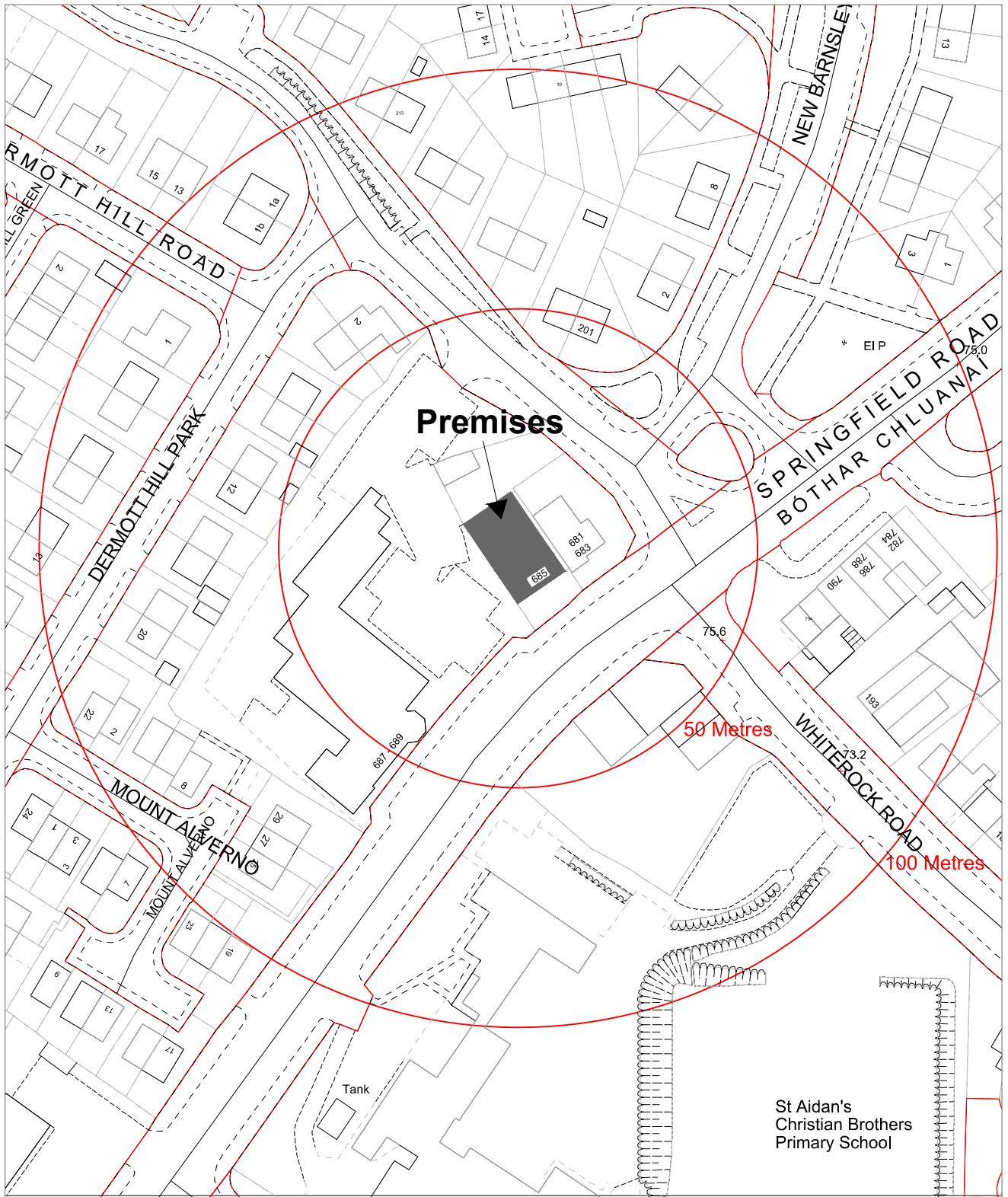


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Subject:	Applications for the Renewal of a Seven-day Indoor Entertainments Licence and the Grant of a Seven-day Outdoor Entertainments Licence - Box Nightclub, Units 1 and 8 Queen's Quay
Date:	18th May, 2016
Reporting Officer:	Mr. Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Mr. Patrick Cunningham, Assistant Building Control Manager, ext. 6446

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

1.0	Purpose of Report /Summary of Main Issues								
1.1	<p>To consider applications for the renewal of a Seven-day Annual Indoor Entertainments Licence and the grant of a Seven-day Annual Outdoor Entertainments Licence for Box Nightclub, where the applicant has been convicted of an offence under the Local Government Miscellaneous Provisions (NI) Order 1985 (the Order) within the previous five years.</p> <table><tr><td>Premises and Location</td><td>Ref. No.</td><td>Applicant</td></tr><tr><td>Box Units 1 and 8 Odyssey Pavilion, 2 Queens Quay, Belfast, BT3 9QQ</td><td>WK/201600664 WK/201500889</td><td>Mr Carl Hornsby Sheridan Nightclubs Limited, C/o Utopian Leisure, Units 1 and 8 Odyssey Pavilion, 2 Queens Quay, Belfast, BT3 9QQ</td></tr></table>			Premises and Location	Ref. No.	Applicant	Box Units 1 and 8 Odyssey Pavilion, 2 Queens Quay, Belfast, BT3 9QQ	WK/201600664 WK/201500889	Mr Carl Hornsby Sheridan Nightclubs Limited, C/o Utopian Leisure, Units 1 and 8 Odyssey Pavilion, 2 Queens Quay, Belfast, BT3 9QQ
Premises and Location	Ref. No.	Applicant							
Box Units 1 and 8 Odyssey Pavilion, 2 Queens Quay, Belfast, BT3 9QQ	WK/201600664 WK/201500889	Mr Carl Hornsby Sheridan Nightclubs Limited, C/o Utopian Leisure, Units 1 and 8 Odyssey Pavilion, 2 Queens Quay, Belfast, BT3 9QQ							
1.2	Copies of the application forms are attached at Appendix 1.								
1.3	A location map is attached at Appendix 2.								
2.0	Recommendations								
2.1	Notwithstanding the opportunity to refuse the application on any other grounds, the Council may refuse an application for an Entertainments Licence on the grounds that the applicant has been convicted of an offence under the Order within the period of 5 years immediately preceding the date when the application was made.								

2.2	<p>Taking into account the information presented and any representations received you are required to consider the applications in light of the previous legal proceedings and to:</p> <ol style="list-style-type: none"> 1. approve the applications for the renewal of the Indoor and grant of the Outdoor Seven-day Annual Entertainments Licences, or 2. approve the applications for the renewal of the Indoor and grant of the Outdoor Seven-day Annual Entertainments Licences with special conditions, or 3. Refuse the applications for the renewal of the Indoor and grant of the Outdoor Seven-day Annual Entertainments Licences.
2.3	<p>If the applications are refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court.</p>
3.0	Main report
	<u>Key Issues</u>
3.1	<p>Members are reminded that the normal process for dealing with Entertainments Licence applications which are not the subject of objections is that the licence will be granted as provided for in the Council's Scheme of Delegation.</p>
3.2	<p>However, in light of the fact that the applicant has been found guilty of committing an offence within five years of the application for the licence being submitted to the Council, you are required to consider the application.</p>
3.3	<p>Members are advised that Sheridan Nightclubs Limited were convicted of an offence under the Order at Belfast Magistrates Court on 17th November 2015. The conviction arose after officers witnessed entertainment taking place within the Outdoor Smoking Area without an Entertainments Licence being in place for that area of the premises.</p>
3.4	<p>As a result Sheridan Nightclubs Limited were fined £200 and ordered to pay court costs of £69 for the offence.</p>
	<u>Premises</u>
3.5	<p>The applicant currently holds a Seven-day Annual indoor Entertainments Licence and the areas licensed to provide entertainment are the:</p> <ul style="list-style-type: none"> • Ground floor Bar, with a maximum capacity of 620 persons • 1st floor Bar, with a maximum capacity of 1060 persons • 1st Floor VIP Bar, with a maximum capacity of 50 persons.
3.6	<p>Members are advised that the number of persons to be accommodated in the new outdoor area is included in the overall maximum occupancy of the indoor area of 1730 persons; they are not in addition to this occupancy.</p>
3.7	<p>The days and hours during which the premises are currently licensed to provide indoor entertainment are:</p> <ul style="list-style-type: none"> • Monday to Saturday: 11.30 am to 3.00 am the following morning, and • Sunday: 12.30 am to 2.00 am the following morning.

3.8	<p>The following special conditions are attached to the current Entertainments Licence:</p> <ul style="list-style-type: none"> • occupancy figures shall be controlled to ensure that the numbers on each floor do not exceed those stipulated on the licence. • review meetings to be held on a quarterly basis or as the need arises between the PSNI, the applicant and the Council.
3.9	The premise operates as a nightclub with indoor entertainment being provided in the form of DJs.
3.10	The applicant proposes to extend the entertainment into the outdoor Smoking Area, which is covered by a Liquor Licence and is located at the front of the Odyssey Pavilion. A layout plan of the proposed outdoor area is attached as Appendix 3.
3.11	<p>The days and hours during which entertainment is proposed to be provided in the new outdoor area is the same as is currently being provided indoors, as follows:</p> <ul style="list-style-type: none"> • Monday to Saturday: 11.30 am to 3.00 am the following morning, and • Sunday: 12.30 am to 2.00 am the following morning. <p><u>Representations</u></p>
3.12	<p>Public notice of the applications has been placed and no written representations have been lodged as a result of the advertisement.</p> <p><u>PSNI</u></p>
3.13	<p>The PSNI has been consulted and has confirmed that it has no objection to the applications. A copy of its correspondence is attached at Appendix 4.</p> <p><u>Health, Safety and Welfare Inspections</u></p>
3.14	Following the offence, officers met with the applicant to review their management procedures and ensure that appropriate measures are in place to prevent a recurrence.
3.15	The premise has been subject to a further during performance inspection and Officers were satisfied that measures were being implemented effectively.
3.16	The premise has also been subject to inspection as part of the application process; therefore all operational and management procedures have been checked to safeguard the safety of the public, performers and staff and, in particular, if an emergency situation should occur.
3.17	<p><u>NIFRS</u></p> <p>The Northern Ireland Fire and Rescue Service has been consulted in relation to the applications and confirmed that it has no objections.</p> <p><u>Noise Issues</u></p>
3.18	The Environmental Protection Unit (EPU) has been consulted in relation to the applications and confirmed that no noise complaints have been received since the previous renewal.

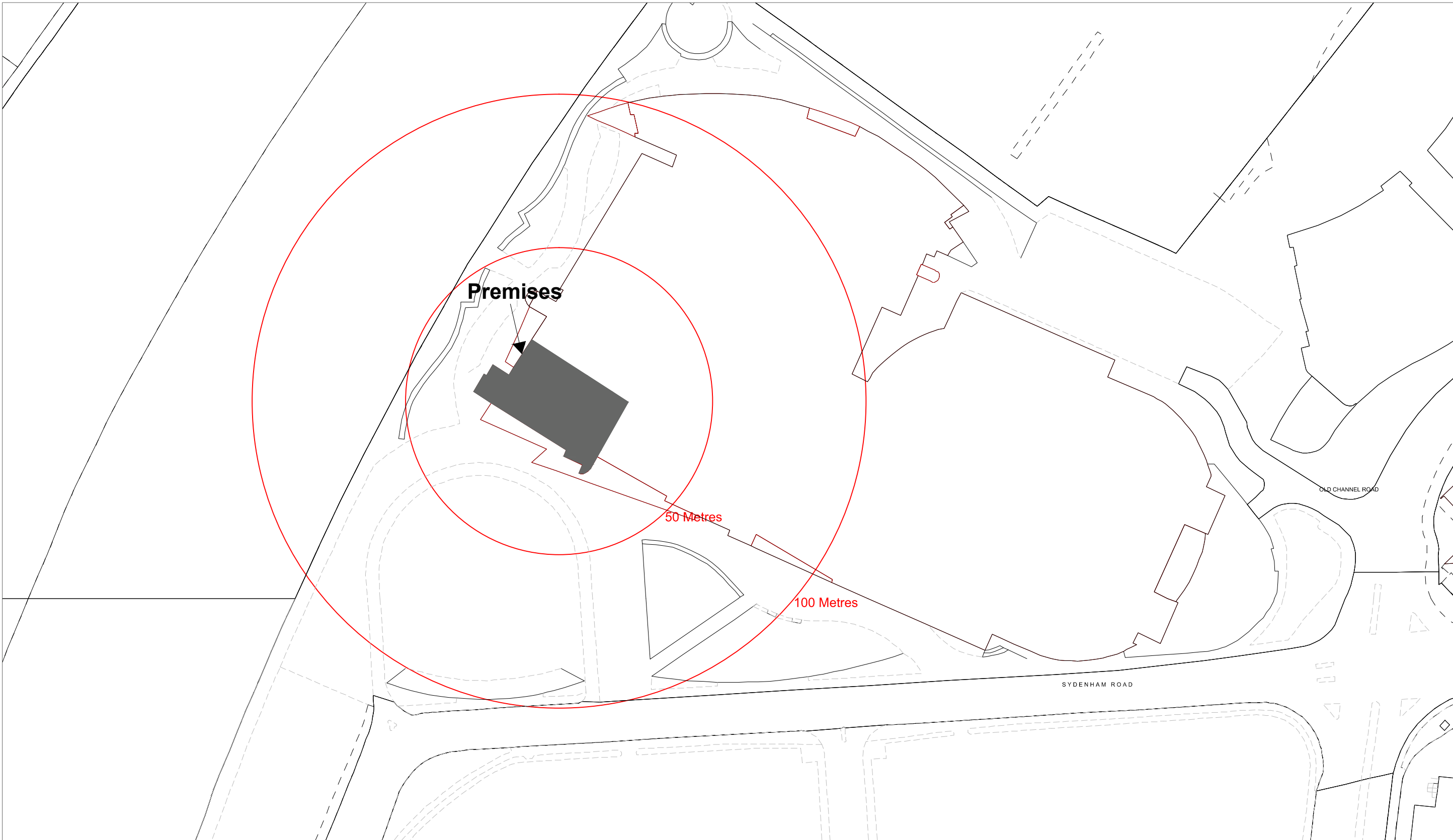
3.19	An acoustic report outlining the measures to be taken when outdoor entertainment is being provided has been received and is currently being assessed by EPU. The report outlines the measures to be put in place to minimise disturbance to neighbouring premises, either due to noise breakout or from patron activity.
3.20	Should you be minded to grant the outdoor licence these technical matters will be resolved between Officers and the applicant and an Entertainments Licence will not be issued until the proposed levels have been verified and agreed. <u>Applicant</u>
3.21	The applicant and/or their representatives will be available at your meeting to answer any queries you may have in relation to the applications. <u>Financial and Resource Implications</u>
3.22	Officers carry out during performance inspections on premises providing entertainment but this is catered for within existing budgets. <u>Equality and Good Relations Implications</u>
3.23	There are no equality or good relations issues associated with this report.
4.0	Documents Attached
	<p>Appendix 1 – Application form</p> <p>Appendix 2 – Location Map</p> <p>Appendix 3 – Layout plans of the outdoor area</p> <p>Appendix 4 – PSNI correspondence</p>

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Subject:	Applications for the Renewal of Seven-day Annual Indoor and Outdoor Entertainments Licence - The Hudson Bar, 10-14 Gresham Street
Date:	18th May, 2016
Reporting Officer:	Mr. Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Mr. Patrick Cunningham, Assistant Building Control Manager, ext. 6446

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

1.0	Purpose of Report /Summary of Main Issues		
1.1	To consider applications for the renewal of Seven-day Annual Indoor and Outdoor Entertainments Licence for The Hudson Bar, based on the Council’s standard conditions to provide music, singing, dancing or any other entertainment of a like kind where objections have been received.		
	Premises and Location The Hudson Bar 10-14 Gresham Street Belfast, BT1 1JN	Ref. No. WK/201600140 WK/201600143	Applicant Mr. Michael Stewart, MMJP Limited, 8 Station Road Holywood, BT18 0BT
2.0	Recommendations		
2.1	The current policy, laid down as a mandatory condition in the Local Government (Miscellaneous Provisions) (NI) Order 1985 (the Order) is that, where representations have been made within 28 days of the date of application, an opportunity of appearing before and being heard by the Committee shall be given to the applicant and to persons who made representations, before any decision is made.		
2.2	You are therefore required to set a suitable date and time to receive the persons who made the representations, the applicant, and/or their representatives and, after having received their submissions, make a recommendation regarding the application.		
2.3	In addition, you are required to determine if you wish to exercise your discretion and consider the objection which was received outside the 28 day statutory period.		

3.0	Main report
	<p><u>Key Issues</u></p> <p>3.1 As a result of the public notices, two written representations objecting to the applications have been received. One was received within the 28-day statutory period and the other was received outside that period.</p> <p>3.2 The objections are from residents of the area and the nature of their objections are similar and relate to the following:</p> <ul style="list-style-type: none"> • music being played too loud. • patrons causing noise and nuisance from singing and shouting. • drunks from the bar standing on the road causing problems and bar management doing nothing to stop it. • objector being attacked by a drunk patron from the bar. <p>3.3 When deciding if you wish to consider the objection received outside the 28-day period, facts that you may wish to take into account could include the relevance of the objection and how far outside the 28-day period the objection was received, or any other matters that appear important in the circumstances at hand.</p> <p>3.4 Copies of the objections are attached.</p> <p><u>Financial and Resource Implications</u></p> <p>3.5 None</p> <p><u>Equality or Good Relations Implications</u></p> <p>3.6 None</p>
4.0	<p><u>Documents Attached</u></p> <p>Letters from objectors</p>

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Subject:	Consideration of Designating Resolutions for New Street Trading Sites/Variation of Commodities/Rescinding of Existing Street Trading Sites
Date:	18th May, 2016
Reporting Officer:	Mr. Stephen Hewitt, Building Control Manager, ext 2435
Contact Officer:	Mr. Patrick Cunningham, Assistant Building Control Manager, ext 6446

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

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: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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	<p>Based on the information presented, the Committee is requested to consider each proposal in turn and to decide whether to:</p> <ol style="list-style-type: none"> 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: <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • 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
	<u>Key Issues</u>
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.
	<u>New Streets or Part Thereof</u>
	<u>SITE A</u>
	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.
	<u>PSNI</u>
3.5	No objection.
	<u>DRD Transport N.I</u>
3.6	No objection.
	<u>Published 28-day Notice</u>
3.7	No responses were received to the notice.
	<u>SITE B</u>
	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.
	<u>PSNI</u>
3.9	No objection.
	<u>DRD Transport N.I</u>
3.10	No objection.
	<u>Published 28-day Notice</u>
3.11	No responses were received to the notice.

	<p><u>SITE C</u></p> <p>Queen's Quay – Site situated beside Lagan Weir foot bridge (3 sites)</p>
3.12	<p>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.</p>
	<p><u>PSNI</u></p>
3.13	<p>No objection.</p>
	<p><u>DRD Transport N.I</u></p>
3.14	<p>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.</p>
	<p><u>Published 28-day Notice</u></p>
3.15	<p>No responses were received to the notice.</p>
	<p><u>SITE D</u></p> <p>220 Stewartstown Road – Site situated within car park (1 site)</p>
3.16	<p>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.</p>
	<p><u>PSNI</u></p>
3.17	<p>No objection.</p>
	<p><u>DRD Transport N.I</u></p>
3.18	<p>No objection.</p>
	<p><u>Published 28-day Notice</u></p>
3.19	<p>No responses were received to the notice.</p>
	<p><u>Other Consultees</u></p>
3.20	<p>The owner of the carpark, Lagmore Developments, has given permission to use the carpark for the sale of wet fish.</p>

	<p><u>SITE E</u></p> <p>Mountpottinger Link – Site situated at the junction with Mountpottinger Road, on the left hand side of the road on the foot path (1 site)</p>
3.21	<p>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.</p>
	<p><u>PSNI</u></p>
3.22	<p>No objection.</p>
	<p><u>DRD Transport N.I</u></p>
3.23	<p>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.</p>
	<p><u>Published 28-day Notice</u></p>
3.24	<p>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.</p>
	<p style="text-align: center;"><u>Variation of Commodities</u></p>
	<p><u>SITE F</u></p>
	<p>Lombard Street – Site situated at the junction with Rosemary Street beside the flower planter</p>
3.25	<p>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.</p>
	<p><u>PSNI</u></p>
3.26	<p>No objection.</p>
	<p><u>DRD Transport N.I</u></p>
3.27	<p>Transport N.I has no objection as long as any subsequent licence is for a stall and not a vehicle.</p>
	<p><u>Published 28-day Notice</u></p>
3.28	<p>No responses were received to the notice.</p>
	<p><u>Other Consultees</u></p>
3.29	<p>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:</p>

	<ul style="list-style-type: none"> • Clements Café • Sarnies • Arthurs Café • Deli-lites • Café Nero • Café Uno • Blu restaurant • Blinkers Restaurant
3.30	<p>BCCM considers that the same service is already being provided by these businesses.</p> <p style="text-align: center;"><u>Rescinding of Designation</u></p> <p><u>SITE G</u></p> <p>Donegall Square North – Site situated at front of City Hall close to its junction with Donegall Square West</p>
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 16 th 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.
	<u>PSNI</u>
3.34	No objection.
	<u>DRD Transport N.I</u>
3.35	No objection.
	<u>Published 28-day Notice</u>
3.36	<p>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:</p> <ol style="list-style-type: none"> 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. <p><u>Other Consultee</u></p>
3.37	Belfast City Centre Management made no comment.

3.38	<p><u>Financial and Resource Implications</u></p> <p>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.</p> <p><u>Equality or Good Relations Implications</u></p>
3.39	<p>There are no equality or good relations issues.</p>
4.0	Documents Attached
	Copies of correspondences received

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Subject:	Update on the Licensing of Pavement Cafés Act (Northern Ireland) 2014
Date:	18th May, 2016
Reporting Officer:	Mr. Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Mr. Patrick Cunningham, Assistant Building Control Manager, ext. 6446

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	Members are 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 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 provide comment on the progress of our preparation for the commencement of the legislation and the supporting guidance documentation.
3.0	Main Report
	<u>Key Issues</u>
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.
	<u>Provisions of the Act</u>
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.
	<u>Consistency of Approach</u>
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 they enhance the locality in which they are to be situated and 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.
	<u>Working with the Industry</u>
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.
	<u>Fees</u>
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 presented at your June meeting to outline our proposals regarding appropriate charges for the new function.
	<u>Financial and Resource Implications</u>
3.21	The introduction of the new legislation will have administrative and resource implications for all council's. For instance we will be required 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 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.
	<u>Equality or Good Relations Implications</u>
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.
4.0	Documents Attached
	None