

Public Document Pack

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



**Belfast
City Council**

4th November, 2016

MEETING OF LICENSING COMMITTEE

(Please note the change in the commencement time of the meeting)**

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room - City Hall on Thursday, 10th November, 2016 at 5.30 pm., 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/Permits issued under Delegated Authority (Pages 1 - 4)
- (b) Applications for the Renewal of Entertainments Licences with Previous Convictions (Pages 5 - 20)
- (c) Application for the Grant of a Seven-day Annual Outdoor Entertainments Licence - C.S. Lewis Square (Pages 21 - 36)
- (d) Application for the grant of a Stationary Street Trading Licence - Lombard Street (Pages 37 - 46)

3. **Non-Delegated Matters**

- (a) Fees Chargeable for the Licensing of Pavement Cafes (Pages 47 - 68)
- (b) Update on Review of Entertainments Licensing Legislation (Pages 69 - 72)



Subject:	Licences/Permits issued under Delegated Authority
Date:	10th November, 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		
	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. Those applications which were 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		
	<u>Key Issues</u>		
3.1	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
	Balmoral Golf Club, 518 Lisburn Road, Belfast, BT9 6GX	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00
	Balmoral Hall, The King's Hall Complex, Lisburn Road, Belfast, BT9 6GW	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00
			Applicant
			Mr. Paul Scullion
			Ms. Theresa Morrissey

Premises and Location	Type of Application	Hours Licensed	Applicant
Belvoir Players Rehearsal Studio, 94 Belvoir Drive, Belfast, BT8 7FR	Renewal	Sun - Sat: 09.00 - 23.00	Mr. Shane Johnson
Clonduff Community Centre, Clonduff Drive, Belfast, BT6 9NT	Renewal	Sun - Sat: 08.00 - 01.00	BCC
Downshire Community Centre, Downshire Hall, 340-342 Cregagh Road, Belfast, BT6 9EX	Renewal	Sun - Sat: 08.00 - 01.00	BCC
Whiterock Community Centre Whiterock Road, Belfast, BT12 1FW	Renewal	Sun - Sat: 08.00 - 01.00	BCC
Cresta Golf and Social Club, 156-158 Castlereagh Road, Belfast, BT5 5FT	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Mervyn H. Hamilton
Crumlin Star Social Club, 2-20 Balholm Drive, Belfast, BT14 7NA	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Patrick McGlinchey
Empire Bar (Outdoor) 42 Botanic Avenue, Belfast, BT7 1JQ	Renewal	Sun: 12.30 - 23.00 Mon/Fri/Sat: 11.30-23.00	Wine Inns Limited
Parlour Bar (Outdoor) 2-4 Elmwood Avenue, Belfast, BT9 6AY	Renewal	Fri - Mon: 14.00 - 23.00	Wine Inns Limited
Europa Hotel, 11 Great Victoria Street, Belfast, BT2 7AP	Renewal	Sun - Sat: 08.00 - 03.00	Moyola Cellars Limited
Hibernian Sports and Social Club, 71 Falls Road, Belfast, BT12 4PD	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Gerry McCloskey
Hunting Lodge, 39 Stewartstown Road, Belfast, BT11 9BZ	Transfer	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Beeches Drive Company Limited
Mountainview Tavern 417-421 Shankill Road, Belfast, BT13 3AG	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mountainview Tavern Enterprise Limited
Orient Bar, 221-223 Springfield Road, Belfast, BT12 7DD	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	MMK (Belfast) Limited
Shaftesbury Recreation Centre, 97 Balfour Avenue, Belfast, BT7 2EW	Renewal	Sun - Sat: 08.00 - 01.00	Mr. Gerard Rice

	Shamrock Sports and Social Club, 5A Flax Street, Belfast, BT14 7LG	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Patrick McAuley	
	Strand Arts Centre, 152-156 Holywood Road, Belfast, BT4 1NY	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Ms. Linda Smyth	
	Sunflower Bar, 65 Union Street, Belfast, BT1 2JG	Renewal	Sun: 12.30 - 22.00 Mon - Thur: 11.30 - 23.30 Fri - Sat: 11.30 - 01.00	Yellow Brick Road (NI) Limited	
3.2	Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 the following Amusement Permit was renewed since your last meeting:				
	Premises and Location	Type of Application	Hours Licensed	Applicant	
	Oasis Gaming Centre, 61 Boucher Road, Belfast, BT12 6HR.	Renewal	Sun: 11.00 - 00.00 Mon - Sat: 09.00 - 00.00	Oasis Retail Service Limited	
3.3	Under the terms of the Street Trading Act (Northern Ireland) 2001, the following Street Trading Licence was issued since your last meeting:				
	Premises and Location	Type of Application	Commodity	Hours Licensed	Applicant
	Turf Lodge and Andersonstown	Mobile street trading licence	Groceries, confectionery, non-alcoholic beverages and tobacco	Mon-Sun: 09.00 – 21.00	Mr. James McMahon
	<u>Financial and Resource Implications</u>				
3.4	None				
	<u>Equality or Good Relations Implications</u>				
3.5	There are no equality and good relations issues.				
4.0	Documents Attached				
4.1	None				

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Subject:	Applications for the Renewal of Entertainments Licences with Previous Convictions
Date:	10th November, 2016
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 2435

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 Entertainments Licences where the applicants have been convicted of an offence under the Local Government Miscellaneous Provisions (NI) Order 1985 (the Order) within the previous five years.
2.0	Recommendations
2.1	<p>Taking into account the information presented, you are required to consider the applications and to:-</p> <ol style="list-style-type: none"> 1. approve the applications, or 2. should you be of a mind to refuse any of the applications, or approve any applications with additional special conditions, an opportunity of appearing before and of being heard by the Committee must be given to the applicants.
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 an applicant has been found guilty of committing an offence within five years of the application for a licence being submitted to the Council, you are required to consider the following applications.

Premises and Location	Applicant	Application Type	Offence Details	Date of Conviction & Penalty
<p>The Glenowen Inn</p> <p>108 Glen Road Belfast, BT11 8BH</p>	<p>The Keg Company (N.I.) Limited</p>	<p>Renewal</p>	<p>October 2015</p> <p>A rear exit was blocked by combustible materials, including a table, music equipment and speakers. The rear exit alleyway was also partially obstructed by a parked vehicle. A number of exit signs were not operational and the Log Book for recording pre-event checks was not completed.</p>	<p>24th May 2016</p> <p>£600 and £66 Court costs</p>
<p>T13</p> <p>Queens Road Belfast, BT12 6AG</p>	<p>No Limit Limited</p>	<p>Renewal of both the Indoor and Outdoor Entertainments Licences</p>	<p>September 2012</p> <p>Failed to provide the required notice of an event involving children and to provide an Event Management Plan. Didn't agree the maximum permitted occupancy suitable for the event. The log book was also not available on the night.</p>	<p>7th May 2013</p> <p>£200 and £109 Court costs</p>
			<p>June 2014</p> <p>No notification of an event held on the 21st June 2014 and the Event Management Plan was not submitted in advance of the event.</p> <p>September 2014</p> <p>Entertainment was also held beyond the permitted hours of their Entertainments Licence of 1.00 am.</p>	<p>21st June 2016</p> <p>£100 and £72 Court costs</p>

<p>3.3</p> <p>3.4</p> <p>3.5</p> <p>3.6</p> <p>3.7</p> <p>3.8</p> <p>3.9</p> <p>3.10</p> <p>3.11</p> <p>3.12</p>	<p>Notwithstanding the possibility of refusing an Entertainments Licence on any other grounds, the Council may refuse an application on the grounds that the applicant has been convicted of an offence under the Order.</p> <p><u>Application History</u></p> <p>The Glenowen Inn</p> <p>These are the first offences committed by the applicant and, therefore, this is the first time that the application is being considered by the Committee.</p> <p>The applicant was convicted of offences under the Order at Belfast Magistrates Court on 24th May this year, after a during performance inspection found a rear exit from the premises was blocked by a folded table, music equipment and associated speakers.</p> <p>The rear exit alleyway was also partially obstructed by a parked vehicle and a number of fire safety signs were not illuminated on the ground floor. The Log Book for recording pre-event checks was not completed. As a result, the applicant was fined a total of £600 and ordered to pay court costs of £66.</p> <p>T13</p> <p>No Limat Limited was convicted of offences under the Order at Belfast Magistrates Court on 7th May, 2013. This conviction arose following the applicant's failure to provide one month's notice to the Council of proposed entertainment involving children. In addition, the applicant failed to provide an Event Management Plan and did not agree the maximum occupancy suitable for the event with the Service. The log book was also not available on the night the event took place to demonstrate that pre-event checks had been carried out. As a result, the applicant was fined a total of £200 and ordered to pay court costs of £109 for the offence, with a 12 month conditional discharge.</p> <p>Members are reminded that, after this conviction, a renewal application was considered by the Licensing Committee on 22nd January, 2014 and the Committee agreed to renew the Entertainments Licence.</p> <p>Subsequently, No Limat Limited failed to comply with a special condition attached to their Entertainments Licence which required an Event Management Plan to be provided at least 28 days in advance of an event which took place on 21st June, 2014.</p> <p>Then, on Saturday 6th September 2014, when investigating noise complaints, officers of the Council's Night Time Noise Team observed entertainment being held at the venue beyond 1.00 am, the latest permitted hours of entertainment.</p> <p>Members may recall that, at your meeting on 16th September 2015, you took account of these further offences, which were the subject of pending legal action at that time, and of the oral representations which the applicant, Mr Liam Lynch, made to the Committee and agreed to renew the indoor Entertainments Licence and grant the outdoor Entertainments Licence.</p> <p>As a result of the further offences outlined at your meeting on 16th September 2015, the applicant appeared in court on 21st June 2016 and was fined a total of £100 and ordered to pay court costs of £72.</p>
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	<p><u>Representations</u></p> <p>3.13 Notice of the applications has been advertised and no written representations have been received.</p> <p><u>PSNI</u></p> <p>3.14 The PSNI has confirmed that it has no objections to the applications.</p> <p><u>Health, Safety and Welfare Inspections</u></p> <p>3.15 Following the offences, officers of the Service met with the licensees of each of the premises to review their management procedures and ensure that appropriate measures are in place to prevent a recurrence of the previous problems. Officers also discussed the arrangements in place for the safety of the public, performers and staff at all times and, in particular, if an emergency situation should occur.</p> <p>3.16 Each of the premises have also been subject to further during performance and renewal application inspections and on each occasion we found that management procedures are being implemented effectively.</p> <p>3.17 Copies of the application forms for each of the premises are attached.</p> <p><u>NIFRS</u></p> <p>3.18 The Northern Ireland Fire Rescue Service has been consulted in relation to each of the applications and has confirmed that it has no objections.</p> <p><u>Financial and Resource Implications</u></p> <p>3.19 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>There are no equality or good relations issues associated with this report.</p>
4.0	Documents Attached
	Application Forms

By virtue of paragraph(s) 1 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

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Subject:	Application for the Grant of a Seven-day Annual Outdoor Entertainments Licence - C.S. Lewis Square
Date:	10th November, 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 or Summary of main Issues						
1.1	<p>To consider an application from the City and Neighbourhood Services Department for the grant of a Seven-day Annual Outdoor Entertainments Licence for C.S. Lewis Square, based on the Council's standard conditions to provide outdoor musical entertainment.</p> <table style="width: 100%; margin-top: 10px;"> <thead> <tr> <th style="text-align: left;">Area and Location</th> <th style="text-align: left;">Ref. No.</th> <th style="text-align: left;">Applicant</th> </tr> </thead> <tbody> <tr> <td>C.S. Lewis Square, Holywood Arches, Belfast BT4 4HH</td> <td>WK/201602078</td> <td>Ms Rose Crozier Parks Service Belfast City Council Belfast, BT1</td> </tr> </tbody> </table>	Area and Location	Ref. No.	Applicant	C.S. Lewis Square, Holywood Arches, Belfast BT4 4HH	WK/201602078	Ms Rose Crozier Parks Service Belfast City Council Belfast, BT1
Area and Location	Ref. No.	Applicant					
C.S. Lewis Square, Holywood Arches, Belfast BT4 4HH	WK/201602078	Ms Rose Crozier Parks Service Belfast City Council Belfast, BT1					
1.2	A copy of the application form is attached at Appendix 1.						
1.3	A location map is attached at Appendix 2.						
1.4	Members are reminded that all applications for the grant of Outdoor Entertainments Licences must be brought before the Committee for consideration.						
2.0	Recommendations						
2.1	<p>Taking into account the information presented and any representations made in respect of the application you are required to make a decision to either:</p> <ol style="list-style-type: none"> 1. approve the application for the grant of the Seven-day Annual Outdoor Entertainments Licence, or 						

<p>2.2</p>	<p>2. approve the application for the grant with special conditions, or</p> <p>3. refuse the application for the grant of the Seven-day Annual Outdoor Entertainments Licence.</p> <p>If an 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 County Court. In the case that the applicant subsequently decides to appeal, outdoor entertainment may not be provided until any such appeal is determined.</p>
<p>3.0</p>	<p>Main report</p>
<p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p> <p>3.5</p> <p>3.6</p>	<p><u>Key Issues</u></p> <p>The standard days and hours for an Outdoor Entertainments Licence are:</p> <ul style="list-style-type: none"> • Monday to Sunday: 11.30 am to 11.00 pm. <p>In addition, the following special conditions are usually attached to Outdoor Licences:</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 11.00 pm must be considered by the Licensing Committee and therefore must be made at least 3 months in advance of the proposed event. 4. should an application to provide entertainment beyond 11.00 pm be granted and the Council then receive a significant number of complaints regarding noise or the complaint is of such significant impact, authority is granted to the Director of Planning and Place, in consultation with the Town Solicitor, to reduce the finishing time for any subsequent nights of the event, in which case the promoter will be required to make contingency arrangements. <p>C.S. Lewis Square is located at the Hollywood Arches off the Newtownards Road and is part of the Connswater Community Greenway project.</p> <p>The Square is at the heart of the 9km Greenway project and is in honour of the author C.S. Lewis. It contains a series of public art pieces and sculptures on the theme of the Lion, the Witch and the Wardrobe and recreating the magic of Narnia.</p> <p>The space is owned and maintained by the Parks Service which intends to offer the use of the space for small community type events.</p> <p>The first event planned is for the grand opening of C.S. Lewis Square on 22nd November. The event will consist of live entertainment, quotes and recitations from C.S. Lewis's work, theatrical performances and a procession through parts of the Connswater Community Greenway linking the Square.</p>

	<p><u>Representations</u></p>
3.7	Public notice of the application has been placed and no written representation has been lodged as a result of the advertisement.
	<p><u>PSNI</u></p>
3.8	The Police Service of Northern Ireland has been consulted and has confirmed that it has no objection to the application. The Police Service has also been consulted about the event on 22nd November and has met with the organisers to discuss the crowd control measures along with the traffic and transport provisions.
3.9	It will continue to be involved in relation to the opening event and will also be consulted on future planned event on traffic management and wider operational policing issues. A copy of its response is attached at Appendix 3.
	<p><u>NIFRS</u></p>
3.10	The Northern Ireland Fire and Rescue Service was also consulted and has no objection to the application. It has also been involved with the preliminary discussions regarding the opening event on the 22nd November.
3.11	It will be invited to attend any planning meetings and will be provided with any associated event documentation for comment.
	<p><u>Health, safety and welfare</u></p>
3.12	Officers from the Service have already been engaging with Parks representatives and those from the Eastside Partnership Group who are working in partnership with the Council on the Square and the wider Connswater Community Greenway project. The meetings have covered the general long term use of the space, suitable proposed events for the space and the upcoming opening event in celebration of C.S. Lewis's work on the 22nd November.
3.13	Officers will continue to engage with organisers and other interested parties to ensure that the appropriate documentation is developed and that all safety and technical requirements are met in advance of each specific event taking place, should you decide to grant the licence.
3.14	Officers of the Service will be arranging further planning meetings in relation to the 22nd November opening event to which the relevant personnel and agencies will be invited.
	<p><u>Noise</u></p>
3.15	The Environmental Protection Unit (EPU) has been informed of the application and will comment on each individual event, such as the event being planned on the 22nd November, when information relevant to it has been provided, such as the appropriate noise management plan.
	<p><u>Applicant</u></p>
3.16	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>3.17</p> <p>3.18</p>	<p><u>Financial and Resource Implications</u></p> <p>Officers will be required to carry out inspections for each outdoor event and attend any planning meetings which are catered for within existing budgets.</p> <p><u>Equality or Good Relations Implications</u></p> <p>There are no equality or good relations issues associated with this report.</p>
<p>4.0</p>	<p>Documents Attached</p>
	<ul style="list-style-type: none"> • Appendix 1 – Application form • Appendix 2 – Location map • Appendix 3 – PSNI comments

By virtue of paragraph(s) 1 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

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C.S. Lewis Square

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PERFORMANCE SPACE

RESIDENTIAL

Connswater Street

Owmsley St

Manderson Street

NEWTOWNSARDS ROAD

Connswater Street

Car Park

Health Centre

HEALTH CENTRE

WESTMINSTER AVENUE NORTH

Public Art

MCDONALDS

N.P. (art)

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of the Local Government Act (Northern Ireland) 2014.

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Subject:	Application for the grant of a Stationary Street Trading Licence - Lombard Street
Date:	10th November, 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	To consider an application from Mr. Tiarnan O’Kane for the grant of a Stationary Street Trading Licence for a designated site in Lombard Street, at its junction with Rosemary Street, for the sale of telecommunication products and services, namely Talk Talk home phone and broadband.
1.2	Mr. O’Kane has applied to operate at the site from Monday to Saturday from 9.00 am to 6.30 pm and on Sunday from 11.00 am to 4.00 pm, using a 2m by 2m gazebo type stall.
1.3	The size of the stall is larger than a normal City centre street trading pitch, which is 3m x 1.5m (4.5sqm) as stated at Section 5.4 of the Stall Design Policy. Members are, however, advised that Section 5.9 of the Policy allows in any individual case, and for whatever reason, that the Committee may decide to grant a design which varies from the agreed Policy and that such a decision would not be taken to have created any kind of precedent in respect of future applications.
1.4	The Committee has previously granted licences for larger pitch sizes in Lower Garfield Street, Winetavern Street, Donegall Quay and Blackstaff Square. The location of the site can easily accommodate the slightly larger stall.
1.5	There are no objections to the larger stall size.
1.6	During the hours of trading, there will be two staff members operating at the stall. A customer will complete a financial contract providing their personal and financial details in order to obtain Talk Talk home phone and broadband services.
1.7	Mr. O’Kane has never previously held a Street Trading Licence in Belfast. The application also complies with the designation resolution for the site.

<p>3.6</p>	<p>However, Belfast City Centre Management has objected to the application. It has stated the following:</p> <ul style="list-style-type: none"> • the area already has two businesses selling the same items as those being proposed. These are 4 ur Phone located at 49 Rosemary Street (above Suitor Menswear) and Phone Inc. located at 9 Lombard Street. • the area has undergone some small scale regeneration works and is due to go through the Restore Project, which improves the aesthetics of shop fronts and buildings. The proposed stall is not in keeping with the style of the street. • in the past year, the traders have formed a trader' group for Lombard and Rosemary Street businesses. One of their main aims is to either reduce the size of the air monitoring unit at the High Street junction or work to get this removed entirely. The businesses are not in favour of another structure being present on the street. <p><u>Financial and Resource Implications</u></p>
<p>3.7</p>	<p>If the Committee grants a Licence, the Stationary Street Trading Licence fee is as follows:</p> <ul style="list-style-type: none"> • Application Fee of £100, and • A Licence fee, for Monday to Sunday, of £1017 per annum <p><u>Equality or Good Relations Implications</u></p>
<p>3.8</p>	<p>There are no equality or good relations issues associated with this report.</p>
<p>4.0</p>	<p>Documents Attached</p>
	<p>Appendix 1 – Transport NI and PSNI Letters of no objection.</p> <p>Appendix 2 – Belfast City Centre Management objection</p> <p>Appendix 3 – Photograph of Mr O’Kane’s stall</p>

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Subject:	Fees Chargeable for the Licensing of Pavement Cafes
Date:	10th November, 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 checked="" type="checkbox"/>	No <input type="checkbox"/>

1.0	Purpose of Report/Summary of main Issues
1.1	To report on the outcome of the public consultation on the proposed fees for a Pavement Café Licence and the period for which a licence should be granted.
1.2	Members will recall that, at your meeting on 15th June 2016, the Committee agreed to initiate the consultation in relation to Pavement Café fees on the basis of the costing estimates presented, and to include within the consultation, options around the cost and duration of a licence and an indication that the Committee favours a five year fee, which would equate to an annual cost of £242.
1.3	The Committee also agreed for Officers to include within the consultation document information on the fees being charged by councils of a similar size to Belfast and whether the fees were being subsidised by those councils.
2.0	Recommendations
2.1	The Committee is requested to consider the contents of the report and, taking into account any representations received, agree: <ol style="list-style-type: none"> 1. to set the fees for Pavement Café Licences at the level outlined in the public consultation, or 2. to set the fees for Pavement Café Licences at a lower level, or 3. that there shall be no fees for Pavement Café Licences and that the cost of administering the function shall be rate borne, or 4. that further options for fees for Pavement Café Licences arising from your discussions are developed to be presented at your next meeting.
2.2	Members are also required to determine the period for which a licence will be granted.

3.0	Main Report												
<p data-bbox="258 228 1460 295"><u>Key Issues</u></p> <p data-bbox="258 318 1460 452">3.1 Members are reminded that the Licensing of Pavement Cafés Act (NI) 2014 gives the Council the power to set sufficient fees to allow it to recover the full costs of administering the Pavement Cafe Licence Scheme. However, the Council has the discretion to charge a reduced fee or to waive all charges.</p> <p data-bbox="258 474 1460 564">3.2 Consultation on the proposed fees commenced on the 6th September and closed on the 3rd October, after the statutory 28 day period, as required by the Act.</p> <p data-bbox="258 586 1460 698">3.3 Notice of the consultation was published in the three main newspapers and over 1000 letters were sent to businesses across Belfast notifying them of the new Act and the proposed fees consultation.</p> <p data-bbox="258 721 1460 833">3.4 The consultation sought the views from interested parties and a statement outlining how the fees were prepared was published and made available on the Council’s website and at the Building Control offices.</p> <p data-bbox="258 855 1460 922">3.5 Members are reminded that we have engaged extensively with a range of stakeholders throughout the process since the Act was introduced.</p> <p data-bbox="258 945 1460 1124">3.6 The matter has been a regular agenda item for our Licensing Customer Forum panel, we have published articles in City Matters, sent e-mails to existing licensees and attended various trade forum meetings including those of Belfast City Centre Management (BCCM) and Belfast Chamber of Trade and Commerce (BCTC) regarding our plans for the implementation of the Act and the proposed fees.</p> <p data-bbox="258 1146 1460 1258">3.7 As a result of the consultation a total of 19 responses were received which, based solely on the letters that we sent to potential licensees, equates to a response rate of less than 2% and only 1.5% from individual businesses.</p> <p data-bbox="258 1281 1460 1370">3.8 A synopsis of the responses received, which includes a return from Hospitality Ulster, is attached at Appendix 1.</p>	<p data-bbox="258 1393 1460 1438"><u>Summary of responses</u></p> <table border="1" data-bbox="300 1460 1401 1608"> <thead> <tr> <th data-bbox="300 1460 829 1505">Response from</th> <th data-bbox="836 1460 1129 1505">Total</th> <th data-bbox="1136 1460 1401 1505">Percent</th> </tr> </thead> <tbody> <tr> <td data-bbox="300 1505 829 1541">Members of the public</td> <td data-bbox="836 1505 1129 1541">7</td> <td data-bbox="1136 1505 1401 1541">37%</td> </tr> <tr> <td data-bbox="300 1541 829 1576">Business owners</td> <td data-bbox="836 1541 1129 1576">8</td> <td data-bbox="1136 1541 1401 1576">42%</td> </tr> <tr> <td data-bbox="300 1576 829 1608">A group or organisation</td> <td data-bbox="836 1576 1129 1608">4</td> <td data-bbox="1136 1576 1401 1608">21%</td> </tr> </tbody> </table>	Response from	Total	Percent	Members of the public	7	37%	Business owners	8	42%	A group or organisation	4	21%
Response from	Total	Percent											
Members of the public	7	37%											
Business owners	8	42%											
A group or organisation	4	21%											
3.9	<p data-bbox="258 1617 1460 1684">Of these:</p> <ul data-bbox="300 1684 1460 2000" style="list-style-type: none"> <li data-bbox="300 1684 1460 1751">• All of the business owners indicated that their business would be affected by the proposals. <li data-bbox="300 1751 1460 1818">• 60% of respondents felt that a licence should be for a period of five years or more, with most favouring five years. <li data-bbox="300 1818 1460 1886">• Of the businesses owners who responded, five operated businesses in the city centre whilst three operated in East Belfast. <li data-bbox="300 1886 1460 2000">• Strandtown Traders Association and Hospitality Ulster responded online. 												

3.10	The majority of respondents to the consultation disagreed with the proposed licence fees, with most favouring a zero fee structure. The respondents, who did suggest an alternative fee, recommended an amount significantly lower than the proposed fee.								
3.11	When asked about how the cost of administering the legislation should be met, opinion was mixed. Most respondents thought it should be added to the commercial rates and others were more concerned about the impact this and/or the fees in general would have on businesses.								
3.12	BCCM expressed general concern that a proposed 'one size fits all' approach to pavement cafe licensing fees will not be viewed as proportionate and balanced across the hospitality sector. They disagreed with the fees because they do not consider the contrasting financial resources of the multi-national and independently owned businesses.								
3.13	<p>In its view:</p> <ul style="list-style-type: none"> • Fees should be commensurate to the status of the business i.e. less for independently owned businesses and more for multinationals; or • A payment plan should be introduced for independently-owned businesses to minimise impact on cash flow. • Fees should be based upon the quantities of tables/chairs which would give businesses a degree of control over their outlay and (in general) be proportionate, relative to independent and multi-nationally owned businesses. 								
3.14	<p>It also stated that:</p> <ul style="list-style-type: none"> • The full cost associated with administering the Act should be recovered from the fees, and • Licences should be issued for five years. 								
3.15	A copy of the response from BCCM is attached at Appendix 2.								
3.16	We have also consulted with BCTC and are currently awaiting their response. However, Officers will endeavour to obtain a response from them for your meeting.								
3.17	Whilst the remaining businesses may believe that their views are being represented by trade bodies, such as Hospitality Ulster, the level of return is unexpectedly low given the concerns that some had expressed about the proposed fees.								
3.18	To remind the Committee, below is a summary of the proposed fees you provisionally agreed at your meeting on 15th June 2016:								
<table border="1"> <thead> <tr> <th></th> <th style="text-align: right;">2016 / 2017</th> </tr> </thead> <tbody> <tr> <td>Grant Application Fee – <i>Non refundable</i></td> <td style="text-align: right;">£660</td> </tr> <tr> <td>Renewal Application or Variation Fee – <i>Non refundable</i></td> <td style="text-align: right;">£435</td> </tr> <tr> <td>Licensed Fee (Annual)</td> <td style="text-align: right;">£110</td> </tr> </tbody> </table>			2016 / 2017	Grant Application Fee – <i>Non refundable</i>	£660	Renewal Application or Variation Fee – <i>Non refundable</i>	£435	Licensed Fee (Annual)	£110
	2016 / 2017								
Grant Application Fee – <i>Non refundable</i>	£660								
Renewal Application or Variation Fee – <i>Non refundable</i>	£435								
Licensed Fee (Annual)	£110								
<p><u>Comparisons</u></p>									
3.19	Research on the cost of a Pavement Café Licence in other larger local authorities across Great Britain and Ireland has been undertaken and a summary of findings is attached at Appendix 3.								

3.20 Northern Ireland is unique in that we are the first region to have specific legislation for the licensing of Pavement Cafés. Other areas use highway permissions and effectively rent the land to the licensee.

3.21 This has made it difficult to give accurate comparisons but the following example may be of assistance. For a Pavement Café Licence, based on 3 tables and 12 chairs, in an area measuring 4m x 2m the annual (or equivalent annual fee) for other Cities is set out below.

Council	Annual (or equivalent annual) fee
Dublin (city centre pedestrian zone)	£880
Edinburgh	£800
Glasgow (city centre)	£450
Liverpool	£283 (equivalent annual)
Manchester	£437
Southwark	£978
Sheffield	£95
Surrey County	£104
Newcastle	£363 (equivalent over 5 years)
Oxford	£700
Birmingham	£750

3.22 As reported at your meeting on 15th June, if Pavement Café Licences were granted for five years the total licensing cost over that period would be £1210, with the greatest expense occurring in the first year due to application processing costs. This would be the equivalent of £242 per year. From the table above, only Sheffield and Surrey County Council have a lower fee.

3.23 The table below is an extract from the report of 15th June which may also assist Members in deciding the period of the licence.

	Year 1	Year 2	Year 3	Year 4	Year 5	Total	Ave cost
1 Year Lic	£770	£545	£545	£545	£545	£2,950	£590
3 Year Lic	£770	£110	£110	£545	£110	£1,645	£329
5 Year Lic	£770	£110	£110	£110	£110	£1,210	£242

3.24 The other Councils in Northern Ireland are currently setting their fees for Pavement Café Licences and their latest proposed fees and period of licence are set out below.

District	Grant	Renewal	Variation	Licence duration
Antrim and Newtownabbey	Free	Free		3
Ards and North Down	£225	£150	£150	3
Armagh, Banbridge and Craigavon	£213*	£111	£111	3
Belfast	£660	£435	£435	5
Causeway Coast and Glens	£375	£285	£285	3
Derry and Strabane	tbc	tbc	tbc	tbc
Fermanagh and Omagh	£375	£285		3
Lisburn and Castlereagh	£480	£360	£85	tbc
Mid and East Antrim	Free	Free		3
Mid-Ulster	£370	£285	£285	3
Newry, Mourne and Down	£375	£280	£280	3

<p>3.25</p> <p>3.26</p> <p>3.27</p> <p>3.28</p>	<p>*ABC Council fee will be up to a maximum of £831 if planning permission is also required.</p> <p>Whilst all the other councils have opted for, or are considering, three year licences, their equivalent annual licence cost is less than that proposed for Belfast and two councils have decided to waive fees completely.</p> <p><u>Financial & Resource Implications</u></p> <p>There are significant financial and resource implication associated with this report.</p> <p>The proposed Pavement Café Licence fees will ensure the cost of the operational and administration processes are proportionate to the licensing scheme. Details outlining the costings associated with administering Pavement Café Licences are attached at Appendix 4.</p> <p><u>Equality or Good Relations Implications</u></p> <p>The Council’s Equality and Diversity Officer has been consulted to ensure there are no issues with regards to the setting of fees.</p>
<p>4.0</p>	<p>Documents Attached</p>
	<p>Appendix 1 – Synopsis of the responses to the consultation</p> <p>Appendix 2 – Copy of the responses from BCCM</p> <p>Appendix 3 – Comparative costs from UK and Irish local authorities</p> <p>Appendix 4 – Costings associated with administering Pavement Café Licences</p>

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Synopsis of Pavement Café Licence Fee Consultation

- Two groups responded online: Strandtown Traders Association and Hospitality Ulster.
- A (restaurant) in Little Victoria Street emailed the Service directly (attached at Appendix 1a))
- All other responses were submitted online.
- All of the business owners indicated that their business would be affected by the proposals.
- Of the businesses owners who responded, six operated businesses in the city centre whilst three were in east Belfast
- Three business owners agreed with some of the proposed fees - one agreed with the initial application fee but felt that the renewal should only be 50% of that with no charges for inspection.
- Two felt that no fees should be charged for processing applications just for the inspections (but with one suggesting that this be rounded down to £100)
- However, the overwhelming majority of respondents disagreed with the proposed licence fees, with the majority of those favouring a zero fee structure.
- Those respondents who did suggest an alternative fee suggested an amount significantly lower than the proposed fee.
- Generally, there appeared to be more support for the proposed annual inspection fee, with almost half of those responding either agreeing with the £110 proposed fee or suggested lower fee.
- Strandtown Traders Association and Hospitality Ulster disagreed with the proposed fees – one suggested an alternative lower fee structure whilst one suggested zero fees adding that “Inspections and admin could be carried out by existing officers during routine visits and interaction- which are frequent and often. Significant fees for what is little work.
- They commented *“There is no justification for any cost (two councils have already confirmed there will be no cost to apply), let alone fees so high”*.
- A significant number of respondents (40%) believed that the cost should be Rate borne through their Commercial Rates.
- BCCM research indicates that Belfast City Centre ground floor businesses are over 50% independently owned.
- BCCM believes that fees should be commensurate to the status of the business i.e. less for independents and more for multinationals; or:
- A payment plan should be introduced for independently-owned businesses to minimise impact on cash flow.
- In April 2007 the ban on smoking in public places was enacted. A number of responses commented that, the provision of outdoor tables and chairs became a necessity for businesses in order to facilitate smokers.

- Base the fees upon the quantities of tables/chairs. This would give businesses a degree of control over their outlay and (in general) be proportionate relative to independent and multi-nationally owned businesses

Period of Licence

- The majority of respondents 60% (6) felt the licence should be for a period of 5 years or more. With most of these (4) favouring a five year period.
- A respondent commented that 5 years would be compatible with the proposed changes to entertainment licensing and also with liquor licensing.

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For comparison we have obtained information on the cost of a pavement café licence from other major local authorities across Great Britain and Ireland.

Dublin City Council

Annual licence = €100.

PLUS

Annual fee per table = €125.

PLUS

Annual space rental charge per square metre (as below):

For space on a pedestrianised street in the core of the city centre (Yellow Zone)

- Less than 4 metres squared = €200
- Greater than 4 metres squared = €500

For space on a non-pedestrianised street in the core of the city centre (Yellow Zone)

- Less than 4 metres squared = €200
- Greater than 4 metres squared = €400

For space on any other street in the city centre (Red Zone)

- Less than 4 metres squared = €200
- Greater than 4 metres squared = €300

For space on any other street in the entire city

- Less than 4 metres squared = €200
- Greater than 4 metres squared = €200

Edinburgh City Council

Annual licence @ £100 per square metre

Glasgow City Council

Annual licence in the City Centre = £450

Annual licence outside the City centre = £230

Liverpool City Council

£580 for a 3 year licence

PLUS

£10 per annum for each table, and

£5 per annum for each chair or number of persons to be seated on a bench

Manchester City Council

Annual licence @ £309

PLUS

An additional charge of £16 per square metre

Southwark Council

Annual licence @ £81.50 per chair

Sheffield City Council

Annual licence of £95

Surrey County Council

If the seating and table arrangements are less than 3 square metres in area then there is no fee. However an application must still be submitted.

If the seating and table arrangements use an area of 3-10 square metres, then a flat fee of £104.00 is applicable. A further cost of £52.00 per additional square-metre is then applied.

Newcastle City Council

Grant of a licence: £615

Annual renewal: £300

Oxford City Council

Annual licence @ £200

PLUS

- Up to two tables and eight seats - £200
- 3-4 tables and up to 16 seats - £500
- 5-10 tables and up to 40 seats - £900
- 11 or more tables and over 40 seats - £1400

Birmingham City Council

Annual licence for up to 5 tables = £750

Annual licence for more than 5 tables = £1100

**Pavement Café Licence
Statement of Fees**

	2016	Say			
Grant Application Fee - <i>Non refundable</i>	£ 661.00	£ 660			
Renewal Application or Variation of Licence Fee - <i>Non refundable</i>	£ 433.50	£ 435			
Licensed Fee (yearly)	£ 111.00	£ 110	<i>Per Month</i>	<i>Per Week</i>	<i>Per Day</i>
			£ 9.17	£ 2.12	£ 0.30

Grant of Licence

Task	Hrs	Rate	Cost	
Pre application discussions	1	£ 47.75	£ 47.75	LU
Validation of application, checks, telephone calls	2	£ 33.50	£ 67.00	TSO
Input procedure for new application	2	£ 36.50	£ 73.00	Admin
Site visit including travel time	3	£ 47.75	£ 143.25	LU
Consultation letters merge, edit and assign to BS.	1	£ 47.75	£ 47.75	LU
Issue of letters assigned from BCS	0.5	£ 36.50	£ 18.25	Admin
Assessment of response from consultees and all relevant information relating to the application	3	£ 47.75	£ 143.25	LU
Issue Licence	1	£ 47.75	£ 47.75	LU
Recovery of costs procedure – calculation and invoicing	2	£ 36.50	£ 73.00	Admin
All tasks			£ 661.00	

Renewal of Licence

(No changes to Licence)

Task	Hrs	Rate	Cost	
Validation of application, checks, telephone calls	2	£ 33.50	£ 67.00	TSO
Input procedure for application	1	£ 36.50	£ 36.50	Admin
Consultation letters merge, edit and assign to BS.	1	£ 47.75	£ 47.75	LU
Issue of letters assigned from BCS	0.5	£ 36.50	£ 18.25	Admin
Assessment of response from consultees and all relevant information relating to the application	3	£ 47.75	£ 143.25	LU
Issue Licence	1	£ 47.75	£ 47.75	LU
Recovery of costs procedure – calculation and invoicing	2	£ 36.50	£ 73.00	Admin
All tasks			£ 433.50	

Licence Compliance Checks

Task Monday to Friday	Hrs	Cost	
Monitoring Compliance			
Inspection/Intervention and enforcement, compliant/queries etc	1	£ 37.00	£ 37.00
Input inspection report	0.5	£ 37.00	£ 18.50
Travel time	1	£ 37.00	£ 37.00
All tasks			£ 92.50

Task Saturday (1.5 x OT Rate)	Hrs	Cost	
Monitoring Compliance			
Inspection/Intervention and enforcement, compliant/queries etc	1	£ 37.00	£ 55.50
Input inspection report	0.5	£ 37.00	£ 18.50
Travel time	1	£ 37.00	£ 37.00
All tasks			£ 111.00

Task Sunday (2 x OT Rate)	Hrs	Cost	
Monitoring Compliance			
Inspection/Intervention and enforcement, compliant/queries etc	1	£ 37.00	£ 74.00
Input inspection report	0.5	£ 37.00	£ 18.50
Travel time	1	£ 37.00	£ 37.00
All tasks			£ 129.50

The number of Compliance Visits required is based on Risk

Licensed for Monday to Sunday

£ 111.00 *average cost*

EXPLANATORY NOTES

How was the hourly rate worked out?

The rate is based on the average cost for the Unit. The cost per hour of each officer was taken and the average rate was worked out.

Licensing Unit	@	1 ABCM (£58.50) + 1 RS (£37)	Total	£95.50 ÷ 2 = £47.75
Assistant Building Control Manager (PO7)	@	£58.50		
Regulatory Services Officer (SO1)	@	£37		
Technical Support Officer (Grade 6)	@	£33.50		
Business Support	@	1 SBS Assistant (£39.50) + 1 Grade 6 (£33.50)	Total	£73 ÷ 2 = £36.50
Senior Business Support Assistant (SO2)	@	£39.50		
Business Support Officer (Grade 6)	@	£33.50		

What is the Hourly rate based on?

The Hourly rate is based on the total cost for an officer including salary, employer's National Insurance contributions, superannuation contributions etc.

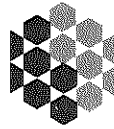


Subject:	Review of Entertainments Licensing Legislation
Date:	10th November, 2016
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

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

1.0	Purpose of Report/Summary of main Issues
1.1	Following your meeting on 17th August, a letter was sent to the Minister for Communities, Mr. Paul Givan MLA, requesting an update on the progress of the review of Entertainments Licensing and when his Department would be in a position to commence a public consultation on more detailed proposals to amend the legislation.
1.2	To advise Members of the written response from the Minister outlining his intentions for such review of the legislation.
2.0	Recommendation
2.1	The Committee is requested to note the response from the Minister for Communities regarding the review of Entertainments Licensing legislation and take such action as it considers appropriate.
3.0	Main Report
	<u>Key Issues</u>
3.1	Following your meeting on 17th August, a letter was sent on behalf of the Committee to the Minister seeking an update on the review.
3.2	The letter also requested that the regulated entertainment included in all licensing applications which referred to circuses should forbid the use of animals and that sentencing guidelines for breaches of the entertainments licensing legislation should also be reviewed.

<p>3.3</p> <p>3.4</p> <p>3.5</p> <p>3.6</p> <p>3.7</p> <p>3.8</p>	<p>The Minister has now replied, stating that he is currently considering the report of the Entertainments Licensing Review Group, set up by the previous Minister for the Environment, Mr M.H Durkan.</p> <p>Minister Givan also advises that he is considering that report in conjunction with the Departmental response to the public consultation to decide what further work may be needed on updating the entertainments licensing regime.</p> <p>He further acknowledges the significant work carried out by the Review Group and that he will be giving consideration to all of the issues contained in its report, including the sentencing for breaches of Entertainments Licensing legislation and the issues around the licensing of circuses with animals.</p> <p>A copy of the response from the Minister for Communities is attached.</p> <p><u>Financial and Resource Implications</u></p> <p>There are no financial or resource implications associated with this report.</p> <p><u>Equality or Good Relations Implications</u></p> <p>There are no equality or good relations issues associated with this report.</p>
<p>4.0</p>	<p>Documents Attached</p>
	<p>Rresponse from the Minister for Communities.</p>



Department for

Communities

www.communities-ni.gov.uk

From the Minister

Mr Henry Downey -
Democratic Services Officer
Belfast City Council
Chief Executive's Department
City Hall
BELFAST
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Level 9
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e-mail: private.office@communities-ni.gov.uk

Tel: (028) Tel: (028) 9082 9034

Your ref: HD/MO'H

Our ref: COR-1385-2016

8 October 2016

Henry

Thank you for your letter dated 5 October 2016 on behalf of Belfast City Council's Licensing Committee, in which you request an update on the progress of the review by the Entertainment Licensing Review Group.

The former Department of Environment's response to the public consultation following the Report by the Entertainment Licensing Review Group indicated that more detailed proposals for a future entertainment licensing regime would be developed and further liaison was needed with other Departments on certain issues.

As the Minister who has now assumed responsibility for entertainment licensing, I am currently considering the Report of the Entertainment Licensing Group, together with the Departmental Response to the public consultation on that report, to decide what further work may be needed on updating the entertainment licensing regime.

I acknowledge the significant work carried out to date by the Review Group and will be giving consideration to all of the issues contained in its report including the sentencing for breaches of entertainment licensing legislation, and the issues around the licensing of circuses with animals.

Yours sincerely

PAUL GIVAN MLA
Minister for Communities



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