

# Public Document Pack

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



**Belfast  
City Council**

12th May, 2017

## **MEETING OF LICENSING COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room - City Hall on Wednesday, 17th May, 2017 at 5.00 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 - 6)
- (b) Application for Extended Hours – 11th July Event, Woodvale Park (Pages 7 - 16)
- (c) Application for Extended Hours – Féile an Phobail, Falls Park (Pages 17 - 26)
- (d) Application for Extended Hours – FOCAL Festival, Lower Crescent Park (Pages 27 - 36)

- (e) Application for the Grant of a Seven-Day Annual Entertainments Licence with Previous Convictions - Fitzgerald's Bar, 123-127 New Lodge Road (Pages 37 - 52)
- (f) Application for the Grant of a Seven-Day Annual Outdoor Entertainments Licence - Thompson's Garage, 3 Patterson's Place (Pages 53 - 72)
- (g) Applications for the Grant of Temporary Street Trading Licences - East Bridge Street/Great Victoria Street (Pages 73 - 88)
- (h) Application for the Grant of a Stationary Street Trading Licence - Donegall Quay (Pages 89 - 92)
- (i) Competing Applications for a Stationary Street Trading Licence - Donegall Street (Pages 93 - 98)

3. **Non-Delegated Matters**

- (a) Fees for Street Trading Licences (Pages 99 - 160)
- (b) Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 – Road Closures for Special Events (Pages 161 - 164)



<b>Subject:</b>	<b>Licences/Permits Issued under Delegated Authority</b>
<b>Date:</b>	17th May, 2017
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

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

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

<b>1.0</b>	<b>Purpose of Report/Summary of main Issues</b>
1.1	Under the Scheme of Delegation, the Director of Planning and 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.
<b>2.0</b>	<b>Recommendation</b>
2.1	The Committee is requested to note the applications which have been issued under the Scheme of Delegation.

<b>3.0</b>	<b>Main Report</b>		
	<b><u>Key Issues</u></b>		
3.1	Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 the following Entertainments Licences were issued since your last meeting:		
	<b>Premises and Location</b>	<b>Type of Application</b>	<b>Hours Licensed</b>
	Apartment, 2-6 Donegall Square West, Belfast BT1 6JA	Renewal	Sun - Sat: 07.00 - 03.00
	Ballynafeigh Orange Hall, 413 Ormeau Road, Belfast, BT7 3GP	Renewal	Sun - Sat: 08.00 - 01.00
	Belfast Youth & Community Group, 10 Little Victoria Street, Belfast, BT2 7JH	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00
	Church House, 2-10 Fisherwick Place, Belfast, BT1 6DW	Renewal	Mon - Fri: 08.00 - 01.00 Sat: 08.00 - 00.00
	Clayton Hotel Belfast, 22-26 Ormeau Avenue, Belfast, BT2 8HR	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00
	Cotton Court (Outdoor) Waring Street, Belfast, BT1 2ED (Outdoor & Marquee)	Renewal	Sun - Sat: 11.30 - 23.00
	Custom House Square, Belfast, BT1 3BG (Outdoor and Marquee)	Renewal	Sun - Sat: 11.30 - 23.00
	Bank Square Bank Street Belfast BT1 1GG (Outdoor and Marquee)	Renewal	Sun - Sat: 11.30 - 23.00
	Donegall Quay, Lagan Lookout & Lagan Weir, Donegall Quay, (Outdoor and Marquee)	Renewal	Sun - Sat: 11.30 - 23.00
	Writers Square Belfast, BT1 1ZZ (Outdoor and Marquee)	Renewal	Sun - Sat: 11.30 - 23.00
	Duncairn Culture & Arts Centre, Duncairn Avenue, Antrim Road, Belfast, BT14 6BP	Renewal	Sun - Sat: 08.00 - 01.00
	Fratelli Belfast Unit 1, 60 Great Victoria Street, BT2 7BB	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00
	Donegal Celtic Social Club, 32 Suffolk Road, Belfast, BT11 9QD	Grant	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 23.00

<b>Premises and Location</b>	<b>Type of Application</b>	<b>Hours Licensed</b>	<b>Applicant</b>
Lavery's Bar, 12-22 Bradbury Place, BT7 1RS	Renewal	Sun: 12.30 - 00.00 Mon - Fri: 11.30 - 01.00 Sat: 11.30 - 02.00	Mr. Bernard Lavery
Linfield Supporters Club, Jumna Street, BT13 1NX	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Charles Butler
Oh Yeah Music Centre, 15-21 Gordon Street, BT1 2LG	Renewal	Sun: 08.00 - 00.00 Mon - Fri: 08.00 - 01.00 Sat: 08.00 - 02.00	Mr. Ryan O'Neill
QUB South Dining Hall, University Road, BT7 1NN	Renewal	Mon - Fri: 08.00 - 01.00 Sat: 08.00 - 00.00	Mr. James O'Kane
QUB, Centre for Drama and Film Studies, 20 University Square, BT7 1PA	Renewal	Sun: 11.30 - 00.30 Mon - Sat: 10.30 - 01.00	Mr. James O'Kane
QUB, Elms Student Centre, 78 Malone Road, BT9 5BU	Renewal	Sun: 08.00 - 00.00 Mon - Sat: 08.00 - 00.00	Mr. James O'Kane
QUB, Elmwood, 89 University Road, 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, BT9 5EE	Renewal	Sun - Sat: 08.00 - 01.00	Mr. James O'Kane
QUB, Sir William Whitla Hall, University Road, BT7 1NN	Renewal	Sun - Sat: 08.00 - 01.00	Mr. James O'Kane
QUB, Sonic Arts and Computer Science Research Centre, Ashby Complex, Cloreen Park, BT9 5BX	Renewal	Sun - Sat: 08.00 - 01.00	Mr. James O'Kane
QUB, Students Union, 79 University Road, BT7 1NF	Renewal	Sun - Sat: 11.00 - 03.00	Mr. James O'Kane
QUB, The Club House, Queen's Sport, Upper Malone Road, BT9 5NB	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr. James O'Kane
QUB, The Harty Room, University Square, BT7 1NN	Renewal	Sun: 08.00 - 23.00 Mon - Fri: 08.00 - 01.00 Sat: 08.00 - 00.00	Mr. James O'Kane
QUB, The Great Hall, University Road, BT7 1NN	Renewal	Sun: 08.00 - 00.00 Mon - Sat: 08.00 - 01.00	Mr. James O'Kane
Ryan's, 116-118 Lisburn Road, BT7 3GG	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Barel Limited
Shandon Park Golf Club, 73 Shandon Park, BT5 6NY	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Greg Bailie

<b>Premises and Location</b>	<b>Type of Application</b>	<b>Hours Licensed</b>	<b>Applicant</b>
The Albany & Miel Et Moi, 701-703 Lisburn Road, BT9 7GU	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Calla House Limited
The Fly, 5 Lower Crescent, BT7 1NE	Renewal	Sun: 12.30 - 01.00 Mon - Sat: 11.30 - 03.00	Mr. Dean Mc Farland
The Metropolitan Arts Centre (MAC) 10 Exchange Street West, Belfast, BT1 2LJ	Renewal	Sun - Sat: 08.00 - 01.00	Ms. Anne McReynolds
The Parador, 473 Ormeau Road, BT7 3GQ	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Blaney Inns Limited
Titanic Belfast, 1 Olympic Way, BT3 9DP (Indoor, Marquee, Outdoor)	Renewal	Sun - Sat: 08.00 - 01.00	Titanic Belfast Limited
W5, Odyssey Pavilion, 2 Queens Quay, BT3 9QQ	Renewal	Sun - Sat: 08.00 - 01.00	Mr. Richard Gapper

3.2 Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, the following Amusement Permits were issued since your last meeting.

<b>Premises and Location</b>	<b>Type of Application</b>	<b>Hours Licensed</b>	<b>Applicant</b>
Twilight Zone, 44 Cregagh Road, BT6 9EQ	Renewal	Sun - Sat: 08.00 - 22.00	EZE Gaming Ltd
Twilight Zone, 13 North Street, BT1 1NA	Renewal	Sun - Sat: 08.00 - 22.30	EZE Gaming Ltd
Twilight Zone, 191 Kingsway, Dunmurry, BT17 9RY	Renewal	Sun - Sat: 09.00 - 09.00	EZE Gaming Ltd

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

<b>Premises and Location</b>	<b>Type of Application</b>	<b>Commodity</b>	<b>Hours Licensed</b>	<b>Applicant</b>
Apollo Road	Stationary	Hot food and non-alcoholic beverages	Mon - Fri 09.00 – 16.30	Mr. Russell McGivern
Writers Square	Temporary	Non-alcoholic beverages,	Festival of Fools	Mr Richard

			confectionery and bakery products	29/4/17 - 1/5/17 11.00 - 18.00	Lavery  Belfast Community Circus School
	<b><u>Financial and Resource Implications</u></b>				
3.4	None				
	<b><u>Equality or Good Relations Implications</u></b>				
3.5	There are no equality and good relations issues.				
<b>4.0</b>	<b>Documents Attached</b>				
	None				

**This page is intentionally left blank**





<b>Subject:</b>	<b>Application for Extended Hours – 11<sup>th</sup> July Event, Woodvale Park</b>
<b>Date:</b>	17th May, 2017
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

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

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

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>
1.1	To consider a request from Twaddell and Woodvale Residents' Association, to hold an outdoor musical event at Woodvale Park on the 11th July 2017 and to permit entertainment to run beyond 11.00 pm to 1.00 am.
<b>2.0</b>	<b>Recommendations</b>
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"> <li>1. agree if the event on 11th July 2017 should be permitted to take place beyond the standard hours of licence to 1.00 am or;</li> <li>2. refuse to extend the hours as requested.</li> </ol>

<b>3.0</b>	<b>Main Report</b>
	<b><u>Key Issues</u></b>
3.1	Members are advised that a Seven-Day Annual Outdoor Entertainments Licence and a Seven-Day Annual Licence for a Marquee has been granted for Woodvale Park and both have been used to hold events in the past. The licences are held by the Parks Service of the City and Neighbourhood Services Department and are transferred to the organisers 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 Entertainments Licences:</p> <ol style="list-style-type: none"> <li>1. maximum numbers will be agreed at the discretion of the Building Control Service and will vary depending upon individual concert set up proposals.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ol>
3.4	The group has been an active participant on the bonfire programme for a number of years. In 2007, it was involved in the design of the Bonfire Beacon as an alternative to the traditional 11th July bonfire and it has successfully run this event from 2008, attracting over 1000 people. The Parks Service has sought permission from the People and Communities Committee for the use of the venue for the event. This was granted approval on 9th May 2017.
3.5	It is a standard condition of the Outdoor Entertainments Licence that all requests to operate beyond the permitted hours of entertainment must be considered by the Licensing Committee.
3.6	Members will recall that, last year, the Committee considered an extension beyond the standard hours of 11.00 pm to 1.00 am for this event at Woodvale Park and, after consideration, you agreed to grant the request to extend the hours.
3.7	Members will be aware that the Committee has granted extensions beyond the standard hours of 11.00 pm for other events and festivals including the Cathedral Quarter Arts Festival at your March meeting and the Belfast Beer Festival at your February meeting, both at Custom House Square.
3.8	The Committee has also granted extensions for other events and venues across the City, including Feile An Phobail at Falls Park and the Belfast City Blues Festival at Writers Square.

**Rationale for Additional Hours**

- 3.9 The organisers have not yet finalised the details for the event but they have confirmed that their programme will commence on Friday 7th and run to Tuesday 11th July and is designed around interventions and seeks to engage local youths and the community in activities, such as midnight soccer.
- 3.10 The final day will see Woodvale Park play host to a family fun day celebration which will consist of live entertainment being held within the park from a stage area. The event will also consist of bouncy castles, face painting and other similar activities.
- 3.11 The organisers have requested that you give consideration to permitting the last night of their programme of celebrations, on 11th July 2017, to run beyond 11.00 pm to 1.00 am.
- 3.12 As this is not an application to vary the terms of the Outdoor Entertainments Licence but a request for Council's permission to extend the hours under an existing licence condition, there is no requirement to advertise the application.
- 3.13 Officers have engaged with the organisers and with officers of the Parks Service and are currently working with them to agree the details of their Event Management Plan and the layout plan for the site. We will continue this work to determine an appropriate occupancy for the event and ensure other arrangements are in place to manage the event safely.
- 3.14 Officers will also ensure the organisers produce a suitable resident's notification letter and will agree the extent of its distribution prior to the event taking place.
- 3.15 A representative of the Parks Service will be available at your meeting should you wish to seek further information about the event.
- 3.16 A copy of the letter from the organisers outlining the background to the festival and reasons for requesting the extended hours to 1.00 am is attached at Appendix 1.
- 3.17 A location map is attached at Appendix 2.

**PSNI**

- 3.18 The PSNI has been consulted regarding the event and their request to operate on the 11th night to 1.00 am. It has confirmed that it has no objections to this proposal and that the organisers have already engaged with it regarding the event, as they have done in previous years.
- 3.19 It has found that the event helps ease tension in the area and is part of diversionary activities for the wider area. A copy of its correspondence is attached at Appendix 2.

**NIFRS**

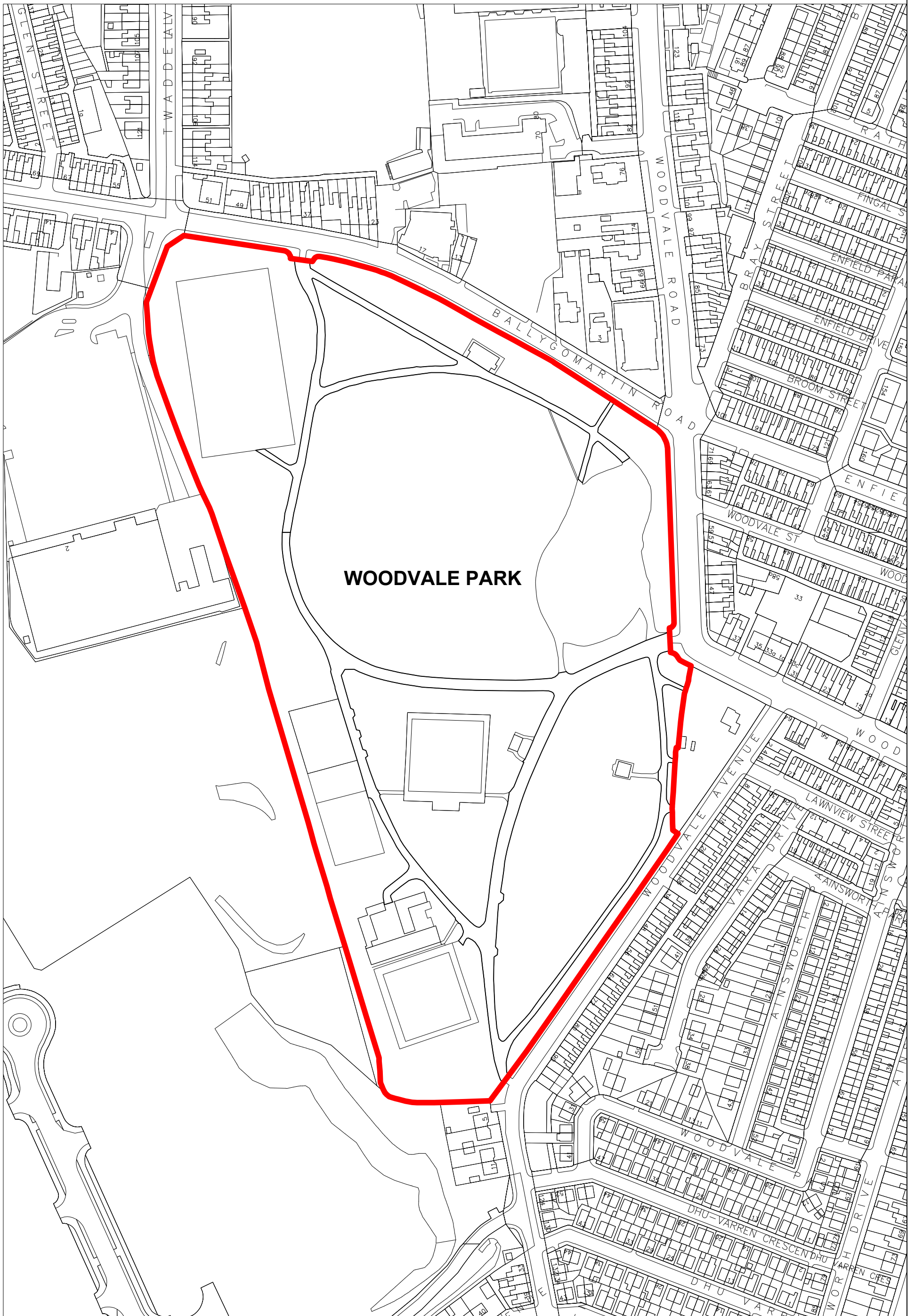
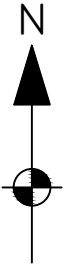
- 3.20 The Northern Ireland Fire and Rescue Service have also been consulted about the application and has confirmed that it has no concerns about the event and have requested to be kept involved with the planning for the event.
- 3.21 As with all such events a detailed planning meeting will be held, attended by officers of the PSNI and NIFRS, to look at public safety, traffic management, transport and any wider operational issues.

	<p><b><u>Health, Safety and Welfare Issues</u></b></p> <p>3.22 Officers from the Service have carried out inspections for previous events to celebrate the 11th night and have found that the organisers have adhered to the health, safety and welfare management requirements during that time.</p> <p>3.23 Work is ongoing with the Council's Parks representatives and the organiser to ensure that the appropriate documentation will be provided and that all technical requirements will be met.</p> <p><b><u>Noise Issues</u></b></p> <p>3.24 The Environmental Protection Unit (EPU) has been consulted in relation to the event and the request to operate the last night to 1.00 am. It has confirmed that that no complaints were received in relation to last year's event.</p> <p>3.25 EPU is supportive of all events aimed at improving the attractiveness and diversity of the City and communities. It is committed to working with organisers to ensure events are successful and to achieve a balance between the rights of residents, the event, the promotion of the city and the wider benefits to the local economy.</p> <p>3.26 An appropriate noise report will be developed in conjunction with the Council's Parks Service and EPU will work with the organiser to ensure noise break out and disturbance is kept to a minimum and that the agreed noise limit is in line with the relevant Code of Practice.</p> <p>3.27 Members are reminded that the Clean Neighbourhood and Environment Act 2011 gives council's additional powers in relation to the control of entertainment noise after 11.00 pm.</p> <p>3.28 Officers will also ensure the organiser produces a suitable resident's notification letter and will agree the extent of its distribution prior to the event taking place.</p> <p><b><u>Financial and Resource Implications</u></b></p> <p>3.29 Officers will be required to carry out inspections at the event but this is catered for within existing Service budgets.</p> <p><b><u>Equality and Good Relations Implications</u></b></p> <p>3.30 There are no equality or good relations issues associated with this report.</p>
<p><b>4.0</b></p>	<p><b>Documents Attached</b></p>
	<p>Appendix 1 – Rationale for requesting extended hours</p> <p>Appendix 2 – Location map</p> <p>Appendix 3 – PSNI Comments</p>

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

**Document is Restricted**

**This page is intentionally left blank**



**This page is intentionally left blank**



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

**Document is Restricted**

**This page is intentionally left blank**



<b>Subject:</b>	<b>Application for Extended Hours – Féile an Phobail, Falls Park</b>
<b>Date:</b>	17th May, 2017
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

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

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

<b>1.0</b>	<b>Purpose of Report/Summary of main Issues</b>
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 3rd August to Sunday 13th August 2017, and to permit the entertainment to run beyond 11.00 pm to 12.00 am on each night.
<b>2.0</b>	<b>Recommendations</b>
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"> <li>1. agree if any or all of the eleven events should be permitted to take place beyond the standard hours of licence to 12.00 am or;</li> <li>2. refuse to extend any or all of the hours as requested.</li> </ol>

<b>3.0</b>	<b>Main Report</b>
	<p data-bbox="272 226 432 259"><b><u>Key Issues</u></b></p> <p data-bbox="165 293 1474 456">3.1 Members are advised that a Seven-Day Annual Outdoor Entertainments Licence and a Seven-Day Occasional Licence for a Marquee have 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 Neighbourhood Services Department and are transferred to the organisers for the duration of their event.</p> <p data-bbox="165 495 1474 562">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.</p> <p data-bbox="165 595 1474 663">3.3 In addition, the following special conditions are attached to both the Marquee and Outdoor Entertainments Licences:</p> <ol data-bbox="288 696 1390 1133" style="list-style-type: none"> <li>1. maximum numbers will be agreed at the discretion of the Building Control Service and will vary depending upon individual concert set up proposals;</li> <li>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;</li> <li>3. any requests to provide entertainment later than 23:00 hrs must be considered by the Licensing Committee and therefore must be made at least 3 months in advance of the proposed event.</li> <li>4. should the Council receive a significant number of noise complaints for any event which has successive nights of entertainment permitted beyond 23:00 hrs or if a complaint about an event beyond 23:00 hrs 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.</li> </ol> <p data-bbox="165 1167 1474 1368">3.4 The organisers have not yet finalised all of 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. However, international band UB40 have been confirmed as one of the headline acts to perform. The Parks Service has sought permission from the People and Communities Committee for the use of the venue for the event. This was granted approval on 4th April 2017.</p> <p data-bbox="165 1402 1474 1503">3.5 It is a standard condition of the Outdoor Entertainments Licence that all requests to operate beyond the permitted hours of entertainment must be considered by the Licensing Committee.</p> <p data-bbox="165 1536 1474 1637">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.</p> <p data-bbox="165 1671 1474 1771">3.7 Members may recall that, last year, the Committee agreed to grant the organisers permission to operate all of their eleven nights of the event at the venue beyond the standard hours of 11.00 pm to 12.00 am.</p> <p data-bbox="165 1805 1474 1939">3.8 Members will be aware that the Committee has granted extensions beyond the standard hours of 11.00 pm for other events and festivals, most recently for the Belfast City Blues Festival at your April Meeting, the Cathedral Quarter Arts Festival at your March meeting and the Belfast Beer Festival at your February meeting, all at Custom House Square.</p>

**Rationale for Additional Hours**

- 3.9 The organisers have confirmed that this is the 29th year of the event which has always been staged as a community event for the people. The event has grown over the years from being held over 2 to 3 days to a full festival running over 10 or 11 days offering a mixture of entertainments, social hubs, artistic performances, sports activities to multi-cultural and educational events.
- 3.10 The ability to operate beyond the permitted hours to 12.00 am allows the organisers to develop their plans around some of the diversionary activities which they propose to put in place to help with the ongoing antisocial behavior issues and to take kids off the streets by giving them somewhere safe to go to. In addition to the entertainment and social aspect of the event there are proposals to introduce activities involving sport and discussion for the youth to engage with. This is yet to be finalised but work is ongoing in this regard.
- 3.11 Acts for this year's festival are still being finalised but a number of international artists that will appeal to all age groups have been booked. A full running order should be completed for the end of May.
- 3.12 As this is not an application to vary the terms of the Outdoor Entertainments Licence but a request for Council's permission to extend the hours under an existing licence condition, there is no requirement to advertise the application.
- 3.13 Officers have engaged with the organisers and Officers of the Parks Service and they have provided a draft Event Management Plan and Site Plan, similar to last year's event. However, these may be subject to change and any necessary updated documents will be provided as plans progress.
- 3.14 The organisers will also be required to produce a suitable resident's notification letter and we will agree the extent of its distribution prior to the event taking place.
- 3.15 A representative of the Parks Service will be available at your meeting should you wish to seek further information about the event.
- 3.16 A copy of the letter from the organisers outlining the background to the festival and reasons for requesting the extended hours to 12.00 am is attached at Appendix 1.
- 3.17 A Location Map is attached at Appendix 2.

**PSNI**

- 3.18 The PSNI has been consulted in relation to the event and has confirmed that the organisers have been in regular contact with it regarding the event and their proposal to operate each night beyond the permitted hours to 12.00 am. The Police Service has also been working with them regarding the traffic management and an Occasional Liquor Licence application.
- 3.19 As a result, the PSNI has offered no objection to the event and proposal to operate beyond the permitted hours. A copy of its comments is attached at Appendix 3.

**NIFRS**

- 3.20 The Northern Ireland Fire and Rescue Service has also been consulted about the application and has confirmed that it has no concerns about the event and has requested to be kept involved with the planning for the event.

3.21	<p>Members are advised that, as with all such events, a planning meeting will be held in due course, and attended by officers of the PSNI and NIFRS to look at public safety, traffic management, transport and any wider operational issues.</p>
<p><b><u>Health, Safety and Welfare Issues</u></b></p>	
3.22	<p>Officers from the Service have carried out during performance inspections over previous 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 events during that time.</p>
3.23	<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 through pre-event planning meetings.</p>
<p><b><u>Noise Issues</u></b></p>	
3.24	<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>
3.25	<p>Given the cumulative impact of several late consecutive nights and potential 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 11.00 pm.</p>
3.26	<p>However, last year only one complaint was received over the course of the 11-day event. The complaint did not result in any formal action being taken by the Council. In 2015 and 2014, a total of 2 complaints were received as a result of the event being held over 11 days and, in 2013, a total of 22 noise complaints were received to the event, which was held over 10 days.</p>
3.27	<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>
3.28	<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><b><u>Financial and Resource Implications</u></b></p>	
3.29	<p>Officers will be required to carry out inspections at the event but this is catered for within existing Service budgets.</p>
<p><b><u>Equality and Good Relations Implications</u></b></p>	
3.30	<p>There are no equality or good relations issues associated with this report.</p>
<b>4.0</b>	<b>Documents Attached</b>
	<p>Appendix 1 – Rationale for extended hours</p> <p>Appendix 2 – Location map</p> <p>Appendix 3 – PSNI Comments</p>

By virtue of paragraph(s) 3 of Part 1 of Schedule 6  
of the Local Government Act (Northern Ireland) 2014.

**Document is Restricted**

**This page is intentionally left blank**



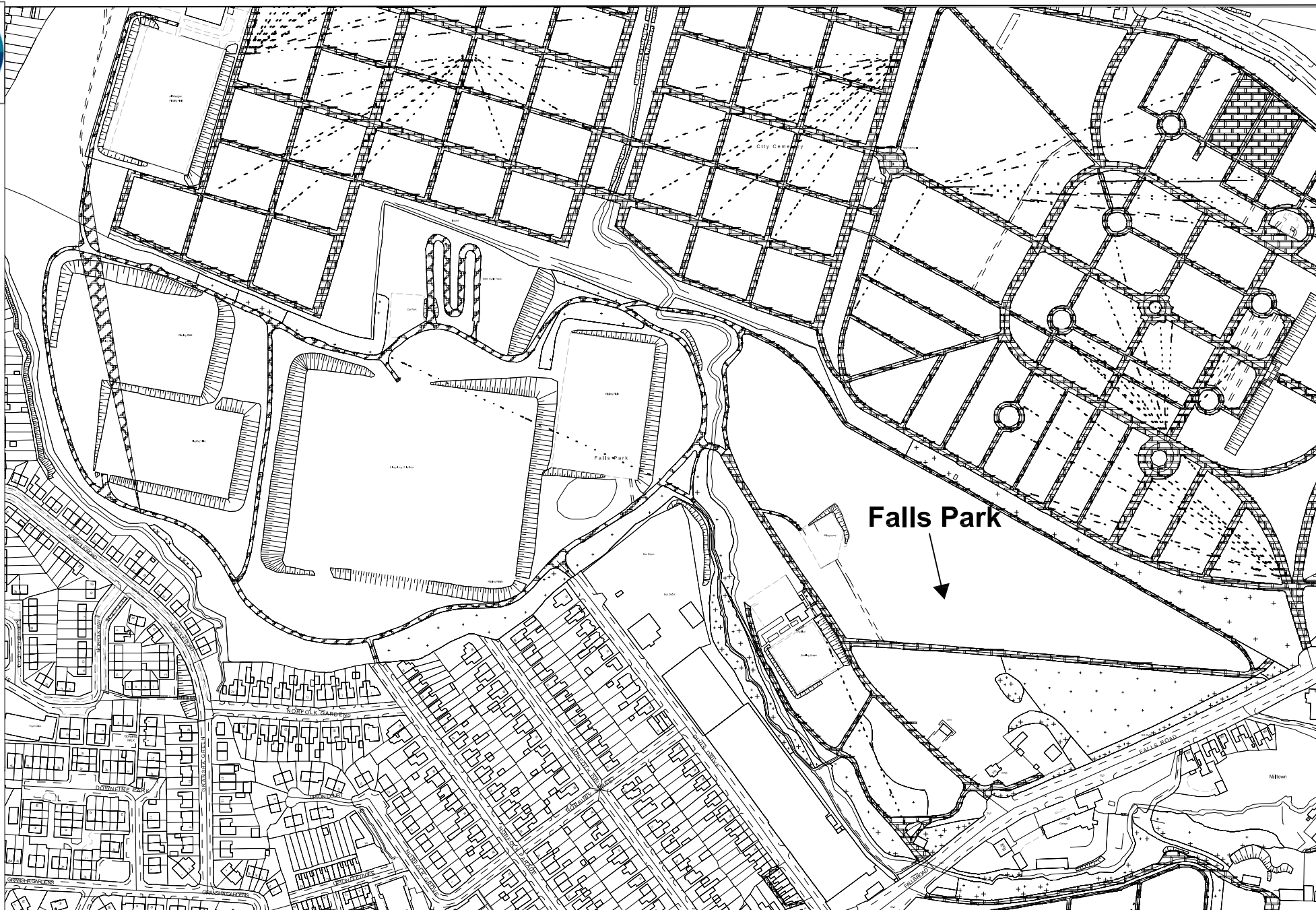


100 METRES

50

25

0



Falls Park



DRAWN BY AMC  
DATE 11/05/15

Falls Park  
Falls Road

SCALE 1:1250

Building Control Service

Belfast Mapping Data v3.0  
Prepared by I.S.B.  
Based upon the Ordnance Survey  
Of Northern Ireland map with the  
permission of the Director & Chief Executive,  
© CROWN COPYRIGHT 2003

**This page is intentionally left blank**

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

**Document is Restricted**

**This page is intentionally left blank**



<b>Subject:</b>	<b>Application for Extended Hours – FOCAL Festival, Lower Crescent Park</b>
<b>Date:</b>	17th May, 2017
<b>Reporting Officer:</b>	Stephen Hewitt, Head of Building Control, ext. 2435
<b>Contact Officer:</b>	Patrick Cunningham, Building Control Manager, ext. 6446

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

<b>1.0</b>	<b>Purpose of Report/Summary of main Issues</b>
1.1	To consider a request from the organisers of the FOCAL Festival to operate an outdoor event over two nights within Lower Crescent Park, on Friday 30th June and Saturday 1st July 2017, and to permit entertainment to run beyond 11.00 pm to 12.00 am on each night.
<b>2.0</b>	<b>Recommendation</b>
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"> <li>1. agree if any or each of the proposed nights should be permitted to take place beyond the standard hours of licence or;</li> <li>2. refuse to extend any or all of the hours as requested.</li> </ol>
<b>3.0</b>	<b>Main Report</b>
	<b><u>Key Issues</u></b>
3.1	Lower Crescent Park is the responsibility of the Parks Service of the City and Neighbourhood Services Department and it currently holds a Seven-Day Annual Outdoor Entertainments Licence for the park.
3.2	<p>The standard days and hours during which the park is currently licensed to provide entertainment are:</p> <ul style="list-style-type: none"> <li>• Monday to Sunday: 11.30 am to 11.00 pm.</li> </ul>

3.3	<p>In addition, the following special conditions are attached to the Entertainments Licence:</p> <ol style="list-style-type: none"> <li>1. maximum numbers will be agreed at the discretion of the Building Control Service and will vary depending upon individual concert set up proposals;</li> <li>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;</li> <li>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</li> <li>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.</li> </ol>
3.4	<p>This is the first year of the event operating in the Lower Crescent Park. It is an independent food and drink festival centred on the celebration and promotion of local food and drinks incorporated within an outdoor festival.</p>
3.5	<p>It is a standard condition of the outdoor Entertainments Licence that all requests to operate beyond the permitted hours of entertainment must be considered by the Licensing Committee.</p>
3.6	<p>Whilst this is the first event at the venue where a request to operate beyond the permitted hours has been received, Members will be aware that the Committee has previously granted extensions for other similar events and venues across the City, including the Cathedral Quarter Arts Festival at Custom House Square, Feile An Phobail at Falls Park and the Belfast City Blues Festival at Writers Square.</p>
3.7	<p>The Parks Service has sought permission from the People and Communities Committee for the use of the venue for the event. This was granted approval on 9th May 2017.</p>
	<p><b><u>Rationale for Additional Hours</u></b></p>
3.8	<p>The organisers wish to create a vibrant, interactive festival which showcases local independent food and beverages with a backdrop of live music from local acts to create a memorable experience.</p>
3.9	<p>The organisers have advised that they hope the additional hours will help to promote and compliment the festival to maximise the experience that patrons will have when attending.</p>
3.10	<p>As a result, they have requested that you give consideration to permitting both their two nights of entertainment to run beyond 11.00 pm on Friday 30TH June and Saturday 1st July 2017.</p>
3.11	<p>As this is not an application to vary the terms of the Outdoor Entertainments Licence but a request for Council's permission to extend the hours under an existing licence condition, there is no requirement to advertise the application.</p>

3.12	Officers have engaged with the organisers and officers of the Parks Service and are currently working with them to agree the details of their Event Management Plan and the layout plan for the site. We will continue this work to determine an appropriate occupancy for the event and ensure other arrangements are in place to manage the event safely.
3.13	Officers will also ensure the organiser produces a suitable resident's notification letter and will agree the extent of its distribution prior to the event taking place.
3.14	A representative of the Parks Service will be available at your meeting should you wish to seek further information about the event.
3.15	A copy of the letter from the organisers about the purpose of the festival and rationale for the request to extend the hours is attached at Appendix 1.
3.16	A location map is attached at Appendix 2.
<b><u>PSNI</u></b>	
3.17	The PSNI has been consulted regarding the festival and their request to operate both nights of their event to 12.00 am. It has confirmed that it has no objections to the operation of the event and is keen to work with the organisers regarding the extent of the proposed Liquor Licence. A copy of its comments is attached at Appendix 3.
<b><u>NIFRS</u></b>	
3.18	The Northern Ireland Fire and Rescue Service have also been consulted about the application and has confirmed that it has no concerns about the event.
3.19	As with all such events, a detailed planning meeting will be held, attended by officers of the PSNI and NIFRS, to look at public safety, traffic management, transport and any wider operational issues.
<b><u>Health, Safety and Welfare Issues</u></b>	
3.20	Officers from the Service have inspected the venue and are satisfied that the space can accommodate the event and, to date, the organisers have co-operated fully regarding measures to protect public safety.
<b><u>Noise issues</u></b>	
3.21	The Environmental Protection Unit (EPU) has been consulted in relation to the request for late night entertainment to run beyond 11.00 pm on both nights at the venue.
3.22	Due to the cumulative impact of the consecutive nights proposed and potential sleep disturbance to nearby residents, officers are concerned that there is a greater potential for complaints after 11.00 pm although the Clean Neighbourhood and Environment Act (Northern Ireland) 2011 gives councils additional powers in relation to entertainment noise after 11.00 pm.
3.23	Work is ongoing with the organisers on a noise management plan for the festival to demonstrate that noise from it will not cause unreasonable disturbance to both the commercial and residential premises of the area.

<p>3.24</p> <p>3.25</p>	<p><b><u>Financial and Resource Implications</u></b></p> <p>Officers will be required to carry out inspections at the event but this is catered for within existing Service budgets.</p> <p><b><u>Equality and Good Relations Implications</u></b></p> <p>There are no equality or good relations issues associated with this report.</p>
<p><b>4.0</b></p>	<p><b>Documents Attached</b></p>
	<p>Appendix 1 – Rationale for extended hours</p> <p>Appendix 2 – Location map</p> <p>Appendix 3 – PSNI Comments</p>



By virtue of paragraph(s) 3 of Part 1 of Schedule 6  
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

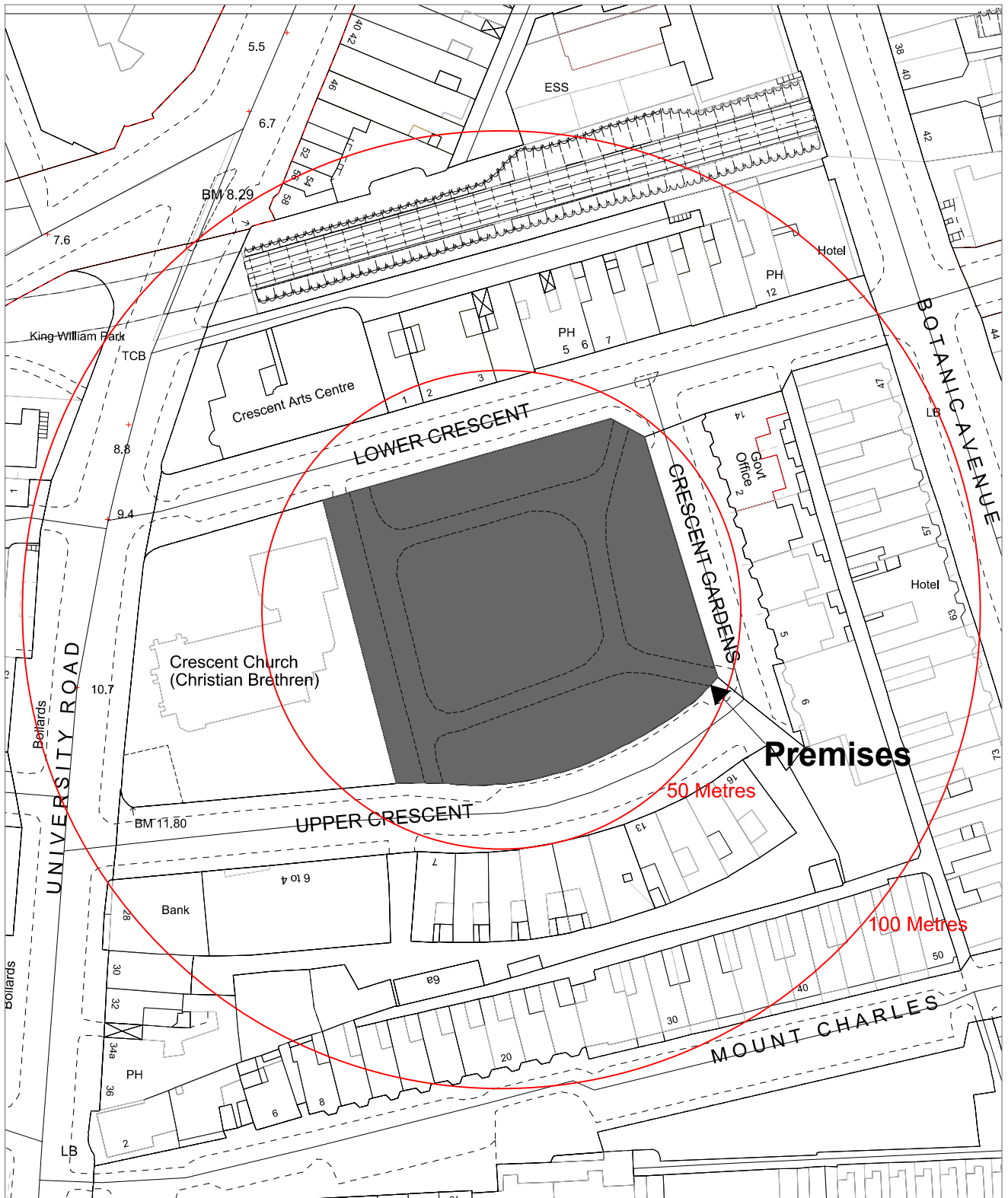
**This page is intentionally left blank**



# Building Control Service

Belfast Mapping Data v3.0  
Prepared by I.S.B.  
Based upon the Ordnance Survey  
Of Northern Ireland map with the  
permission of the Director & Chief Executive.  
© CROWN COPYRIGHT 2003

## Appendix 2



**This page is intentionally left blank**

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

**Document is Restricted**

**This page is intentionally left blank**



<b>Subject:</b>	<b>Application for the Grant of a Seven-Day Annual Entertainments Licence with Previous Convictions - Fitzgerald's Bar, 123-127 New Lodge Road</b>
<b>Date:</b>	17th May, 2017
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

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

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

<b>1.0</b>	<b>Purpose of Report/Summary of main Issues</b>						
1.1	<p>To consider, in accordance with the Local Government Miscellaneous Provisions (NI) Order 1985 (the Order), if the Council wishes to refuse an application for an Entertainments Licence where the applicant has been convicted of an offence.</p> <table style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 33%;"><b>Premises and Location</b></td> <td style="width: 33%;"><b>Ref. No.</b></td> <td style="width: 33%;"><b>Applicant</b></td> </tr> <tr> <td>Fitzgerald's Bar, 123-127 New Lodge Road Belfast, BT15 2BX</td> <td>WK/201601686</td> <td>Mr Stephen Mailey Dicey Reilly's Limited 123-127 New Lodge Road Belfast, BT15 2BX</td> </tr> </table>	<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	Fitzgerald's Bar, 123-127 New Lodge Road Belfast, BT15 2BX	WK/201601686	Mr Stephen Mailey Dicey Reilly's Limited 123-127 New Lodge Road Belfast, BT15 2BX
<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
Fitzgerald's Bar, 123-127 New Lodge Road Belfast, BT15 2BX	WK/201601686	Mr Stephen Mailey Dicey Reilly's Limited 123-127 New Lodge Road Belfast, BT15 2BX					
1.2	Members are advised that when considering applications, the Council may refuse an Entertainments Licence because the applicant has been convicted of an offence under the Order within the period of five years immediately preceding the date when the application was made.						

1.3	As a result of previous convictions, the applicant is now required to appear before the Committee and convince Members as to why their application for an Entertainments Licence should not be refused.
<b>2.0</b>	<b>Recommendations</b>
2.1	Taking into account the information presented and any representations received you are required to consider the application in light of the recent legal proceedings and determine if you wish to refuse the Entertainments Licence on the grounds that the applicant has been convicted of offences under the Order.
2.2	Should Members be satisfied that the application need not be refused you are then required to: <ol style="list-style-type: none"> <li>1. approve the application for the grant of the Seven-Day Annual Entertainments Licence, or</li> <li>2. approve the application for the grant of the Seven-Day Annual Entertainments Licence with special conditions.</li> </ol>
2.3	If the application is refused, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the Recorders Court. The applicant may also appeal any special conditions attached to the Entertainments Licence.
<b>3.0</b>	<b>Main Report</b>
	<b><u>Key Issues</u></b>
3.1	The matter is being placed before Committee because the applicant, Mr. Stephen Mailey, Director of Dicey Reilly's Limited and the Manager of the premises, Ms. Aileen Campbell have been convicted of offences under the Order at Belfast Magistrates Court on 4th March, 2014 and 29th November, 2016 respectively.
3.2	Each of the convicted offences were for holding indoor entertainment on the premises without an Entertainments Licence being in place. The details of each offence are as follows: <p><b>First Conviction</b></p>
3.3	The first conviction, on 4th March 2014, arose when indoor entertainment was found to be taking place on the premises on 18th May and 30th November, 2013 without an Entertainments Licence being in place.
3.4	As a result, both Mr. Mailey and Ms. Campbell were fined a total of £400 (£200 for each offence with a £15 offender levy for each defendant). They were also ordered to pay court costs totalling £207 (£138 and £69). <p><b>Second Conviction</b></p>
3.5	The second conviction, on 29 November 2016, arose when indoor entertainment was again found to be taking place on the premises on 19th June 2016 without an Entertainments Licence being in place.
3.6	As a result, Mr. Mailey was given a conditional discharge and Ms Campbell was fined £250. They were also ordered to pay court costs of £69.



3.7	<p>Following each of these offences, officers met with both Ms. Campbell and Mr. Mailey to explain our application process and requirements in order to be granted an Entertainments Licence. They were also advised that they were not permitted to hold entertainment on the premises until a valid Entertainments Licence was granted.</p> <p><b>Third proceeding</b></p>
3.8	<p>However, despite these repeated warnings and advice, a further case was brought before Belfast Magistrates Court on 9th May 2017 for two additional offences, when they were again found to be holding indoor entertainment on the premises on 30th October and 9th December 2016 without an Entertainments Licence being in place.</p>
3.9	<p>On this occasion, their solicitors entered a guilty plea to the court in respect of the case against Ms Campbell, Mr. Mailey and the applicant company, Dicey Reilly's Limited. Judge Nixon adjourned the case until 16th May for another Judge to deal with the sentencing.</p>
3.10	<p>We will, therefore, provide you with an oral update of the outcome of the prosecution at your meeting to allow you to make an informed decision on the matter and application.</p>
3.11	<p>Members are advised that the premises previously held an Indoor Entertainments Licence which expired on 31st March 2012. However, this was under the control of a different licensee.</p>
3.12	<p>Over the course of our involvement with the premises and legal action taken, we made repeated requests to the applicant to make an application for an Entertainments Licence for the premises. However, despite previous applications being made and reminders requested, they were never completed.</p> <p><b><u>Premises</u></b></p>
3.13	<p>Currently, the premises operate as a public house with ground and first floor bar areas. The applicant has applied to provide entertainment in both locations and Officers are currently working with the applicant regarding the appropriate occupancy for the respective areas applied for.</p>
3.14	<p>A copy of the application form is attached at Appendix 1.</p>
3.15	<p>The applicant has applied for entertainment to be provided during the following days and hours:</p> <ul style="list-style-type: none"> <li>• Monday to Saturday: 11.30 pm to 1.00 am</li> <li>• Sunday: 12.30 pm to Midnight</li> </ul>
3.16	<p>A location map is attached at Appendix 2.</p> <p><b><u>Representations</u></b></p>
3.17	<p>Public notice of the application has been placed and no written representations have been lodged as a result of the advertisement.</p> <p><b><u>PSNI</u></b></p>
3.18	<p>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>

	<p><b><u>Health, Safety and Welfare Inspections</u></b></p> <p>3.19 Officers have met with the applicant, following the offences, to discuss how the premises should be managed. At these meetings, officers have explained the procedures for the grant of an Entertainments Licence and provided advice on fire safety procedures and measures that should be in place for safe evacuation should an emergency situation occur.</p> <p><b><u>NIFRS</u></b></p> <p>3.20 The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and has confirmed that it has no objection.</p> <p><b><u>Noise Issues</u></b></p> <p>3.21 The Environmental Protection Unit (EPU) has been consulted in relation to the application and haS confirmed that no complaints have ever been received relating to noise break out from the premises or due to patron dispersal.</p> <p><b><u>Applicant</u></b></p> <p>3.22 The applicant has been made aware of the concerns raised by the Committee regarding the level of fines imposed by the Court and the new procedure you have adopted to give Members the opportunity to seek assurances as to why their application for an Entertainments Licence should not be refused.</p> <p>3.23 As a result, they have been invited to attend your meeting to answer any queries you may have in relation to the future management of the premises.</p> <p><b><u>Financial and Resource Implications</u></b></p> <p>3.24 Officers carry out during performance inspections on premises providing entertainment which is catered for within existing budgets.</p> <p><b><u>Equality and Good Relations Implications</u></b></p> <p>3.25 There are no equality or good relations issues associated with this report.</p>
<b>4.0</b>	<b>Documents Attached</b>
	<p>Appendix 1 – Application Form</p> <p>Appendix 2 – Location Map</p> <p>Appendix 3 – PSNI Correspondence</p>

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

**Document is Restricted**

**This page is intentionally left blank**



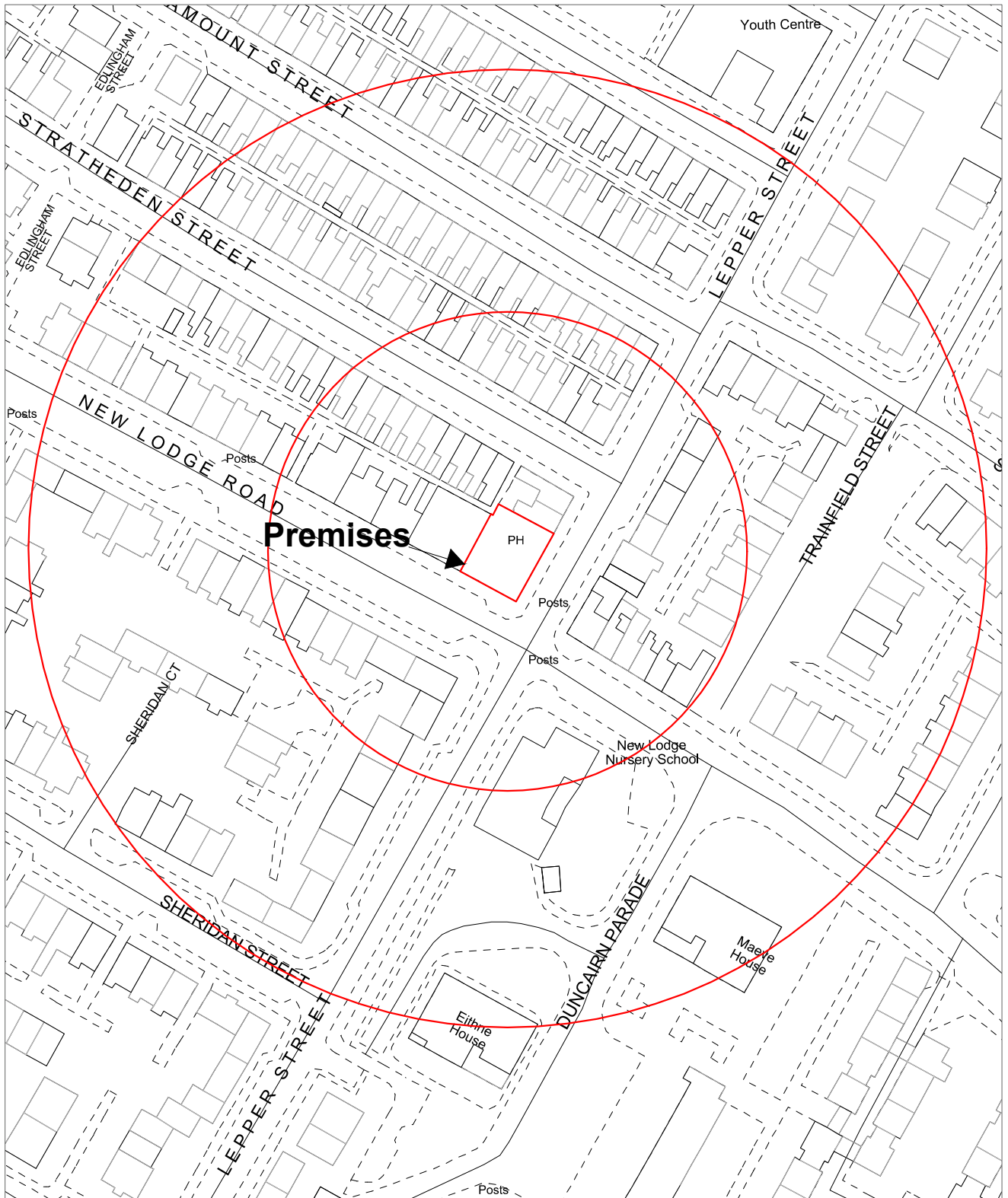
# Building Control Service

Belfast Mapping Data v3.0  
Prepared by I.S.B.  
Based upon the Ordnance Survey  
Of Northern Ireland map with the  
permission of the Director & Chief Executive.  
© CROWN COPYRIGHT 2003

## Appendix 2



100 METRES



DRAWN BY JC  
DATE 11/05/2017

**Page 49**  
**Fitzgerald's Bar**  
**127 New Lodge Road**

SCALE 1:1250

**This page is intentionally left blank**

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

**Document is Restricted**

**This page is intentionally left blank**





<b>Subject:</b>	<b>Application for the Grant of a Seven-Day Annual Outdoor Entertainments Licence - Thompson's Garage, 3 Patterson's Place</b>
<b>Date:</b>	17th May, 2017
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext 2435
<b>Contact Officer:</b>	Patrick Cunningham, Assistant Building Control Manager, ext 6446

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

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

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>						
1.1	<p>To consider an application for the grant of a Seven-Day Annual Outdoor Entertainments Licence for Thompsons Garage, based on the Council's standard conditions to provide outdoor musical entertainment.</p> <table style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 33%;"><b>Premises and Location</b></td> <td style="width: 33%;"><b>Ref. No.</b></td> <td style="width: 33%;"><b>Applicant</b></td> </tr> <tr> <td>Thompsons Garage 3 Patterson's Place Belfast BT1 4GW</td> <td>WK/201600933</td> <td>Mr Stephen Boyd Endless Music Limited 41 Downshire Road Belfast</td> </tr> </table>	<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	Thompsons Garage 3 Patterson's Place Belfast BT1 4GW	WK/201600933	Mr Stephen Boyd Endless Music Limited 41 Downshire Road Belfast
<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
Thompsons Garage 3 Patterson's Place Belfast BT1 4GW	WK/201600933	Mr Stephen Boyd Endless Music Limited 41 Downshire Road Belfast					
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 Committee for consideration.						

<b>2.0</b>	<b><u>Recommendations</u></b>
2.1	Taking into account the information presented and any representations received, you are required to consider the application in light of the legal proceedings against the applicant and determine if you wish to refuse the application for an Outdoor Entertainments Licence on the grounds that the applicant has been convicted of offences under the Order.
2.2	Should Members be satisfied that the application need not be refused you are then required to:
	<ol style="list-style-type: none"> <li>1. approve the application for the grant of the Seven-Day Annual Outdoor Entertainments Licence, or</li> <li>2. approve the application for the grant of the Seven-Day Annual Outdoor Entertainments Licence with special conditions.</li> </ol>
2.3	If the licence 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.
2.4	In the case that the applicant subsequently decides to appeal, outdoor entertainment may not be provided until any such appeal is determined.
<b>3.0</b>	<b><u>Main Report</u></b>
	<b><u>Key Issues</u></b>
3.1	Members will recall that, at the meeting on 19th April, the Committee agreed to renew the Seven-Day Annual Indoor Entertainments Licence, with a condition attached requiring the licensee to attend meetings with the PSNI, the Security Industry Authority and other relevant parties, as and when required. These meetings would be facilitated by the Council in order to discuss any issues arising from the operation of the premises.
	<b><u>Details of the Premises and Proposals</u></b>
3.2	The areas currently licensed to provide entertainment are: <ul style="list-style-type: none"> <li>• Ground Floor Bar, with a maximum capacity of 225 persons.</li> <li>• Mezzanine Floor, with a maximum capacity of 190 persons.</li> </ul>
3.3	The days and hours during which the premises are currently licensed to provide entertainment are: <ul style="list-style-type: none"> <li>• Monday to Sunday: 11.30 am to 3.00 am the following morning</li> </ul>
3.4	The premise operates as a public bar and nightclub with entertainment being provided on both floors in the form of DJs.
3.5	The applicant proposes to provide entertainment within the external beer garden, which is located to the rear of Thompsons Garage, towards Donegall Square East.
3.6	The proposed occupancy of the external beer garden will be 104 persons.
3.7	Members are advised that the maximum indoor occupancy for the premise of 415 persons will be managed in conjunction with the agreed maximum occupancy of the external area to ensure numbers do not exceed capacity.

3.8	<p>The days and hours during which entertainment is proposed to be provided within the external area, is as follows:</p> <ul style="list-style-type: none"> <li>• Monday to Saturday 11.30 am to 11.00 pm, and</li> <li>• Sunday 12.30 pm to 11.00 pm.</li> </ul>
3.6	<p>The applicant has advised that, if a licence is granted for the area, it is his intention to provide entertainment in the form of solo performers, live bands or a DJ through the in-house speaker system.</p>
3.7	<p>The proposed area is covered by the existing Liquor Licence. Layout plans of the proposed external area are attached to this report for your information at Appendix 3.</p>
	<p><b><u>Previous Convictions</u></b></p>
3.8	<p>The application is also being placed before the Committee because both Mr Stephen Boyd and Endless Music Limited were convicted of offences under the Local Government (Miscellaneous Provisions) Order 1985 at Belfast Magistrates' Court, on two occasions: 13 May 2014 and 24 May 2016.</p>
	<p><b>First Conviction</b></p>
3.9	<p>The first conviction on 13th May, 2014 arose following breaches of the terms and conditions of the Entertainments Licence in that they failed to manage the permitted occupancy and migration between licensed areas. They also failed to ensure that the permitted numbers for the Smoking Area was limited to 50 persons as the area was found to be overcrowded.</p>
3.10	<p>As a result, Mr Stephen Boyd and Endless Music Limited were fined a total of £800 and ordered to pay court costs of £69.</p>
	<p><b>Second Conviction</b></p>
3.11	<p>The second conviction on 24th May, 2016 arose following breaches of the terms and conditions of the Entertainments Licence in that the 2nd Floor of the premises was found to be overcrowded and in excess of the permitted occupancy.</p>
3.12	<p>As a result, Endless Music Limited were fined £750 and ordered to pay court costs of £66.</p>
3.13	<p>Following these offences, officers met with Mr Boyd and his representatives to review all their procedures to ensure that appropriate measures were in place to prevent a recurrence.</p>
3.14	<p>Members may recall that details of the first conviction was brought to your attention previously and both convictions were recently considered at your meeting in April 2017 in relation to the application for the renewal of the Indoor Entertainments Licence and, after consideration, you agreed to renew the licence.</p>
3.15	<p>The applicant and/or his representatives will be available to discuss any matters relating to the application at your meeting.</p>
	<p><b><u>Representations</u></b></p>
3.16	<p>Notice of the application has been advertised and no written representation has been lodged.</p>

3.17	<p><b><u>PSNI</u></b></p> <p>The PSNI has been consulted and has confirmed that it has no objections to the application and has previously discussed the details of it when dealing with previous matters. A copy of its correspondences is attached at Appendix 4.</p>
3.18	<p><b><u>NIFRS</u></b></p> <p>The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and has confirmed that it has no objections to the application.</p>
3.19	<p><b><u>Health, Safety and Welfare Inspections</u></b></p> <p>Members are advised that officers have carried out a total of 7 During Performance Inspections on the premises since 20th April 2016. On each occasion, all technical matters were satisfactory and the appropriate measures and management procedures were being implemented effectively.</p>
3.20	<p>Extensive meetings have also been held with the applicant regarding previous matters associated with the renewal application, future plans to improve the access and egress from the venue and how the applicant proposes to manage the migration of patrons between the relevant areas.</p>
3.21	<p><b><u>Noise Issues</u></b></p> <p>Given the nature of the entertainment at the venue, an acoustic report outlining the measures to be taken to ensure minimal disturbance to neighbouring residential premises, both due to noise breakout or from patron activity, was requested and forwarded to the Council's Environmental Protection Unit (EPU).</p>
3.22	<p>EPU has recommended that, in the event that an Entertainments Licence being granted, the Committee consider the inclusion of a condition requiring the applicant to maintain a noise monitoring logbook to ensure compliance with the agreed music noise level of 79dB<sub>L<sub>Aeq5minutes</sub></sub> and to keep a regular check on volume levels at noise sensitive facades when outdoor entertainment is being provided.</p>
3.23	<p>Members are advised that the applicant has agreed to this condition being added to any Entertainments Licence being granted and officers will ensure that the technical noise matters are addressed before the Entertainments Licence is granted.</p>
3.24	<p>Members are reminded that the Clean Neighbourhood And Environment Act 2011 gives councils additional powers in relation to the control of entertainment noise after 11.00 pm.</p>
3.25	<p><b><u>Financial and Resource Implications</u></b></p> <p>Officers carry out during performance inspections on premises providing entertainment but this is catered for within existing budgets.</p>
3.26	<p><b><u>Equality and Good Relations Implications</u></b></p> <p>There are no equality or good relations issues associated with this report.</p>

<b>4.0</b>	<b>Documents Attached</b>
	<p>Appendix 1 – Application Form</p> <p>Appendix 2 – Location map</p> <p>Appendix 3 – Plan of the Outdoor Area</p> <p>Appendix 4 – PSNI Correspondence</p>

**This page is intentionally left blank**

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

**Document is Restricted**

**This page is intentionally left blank**





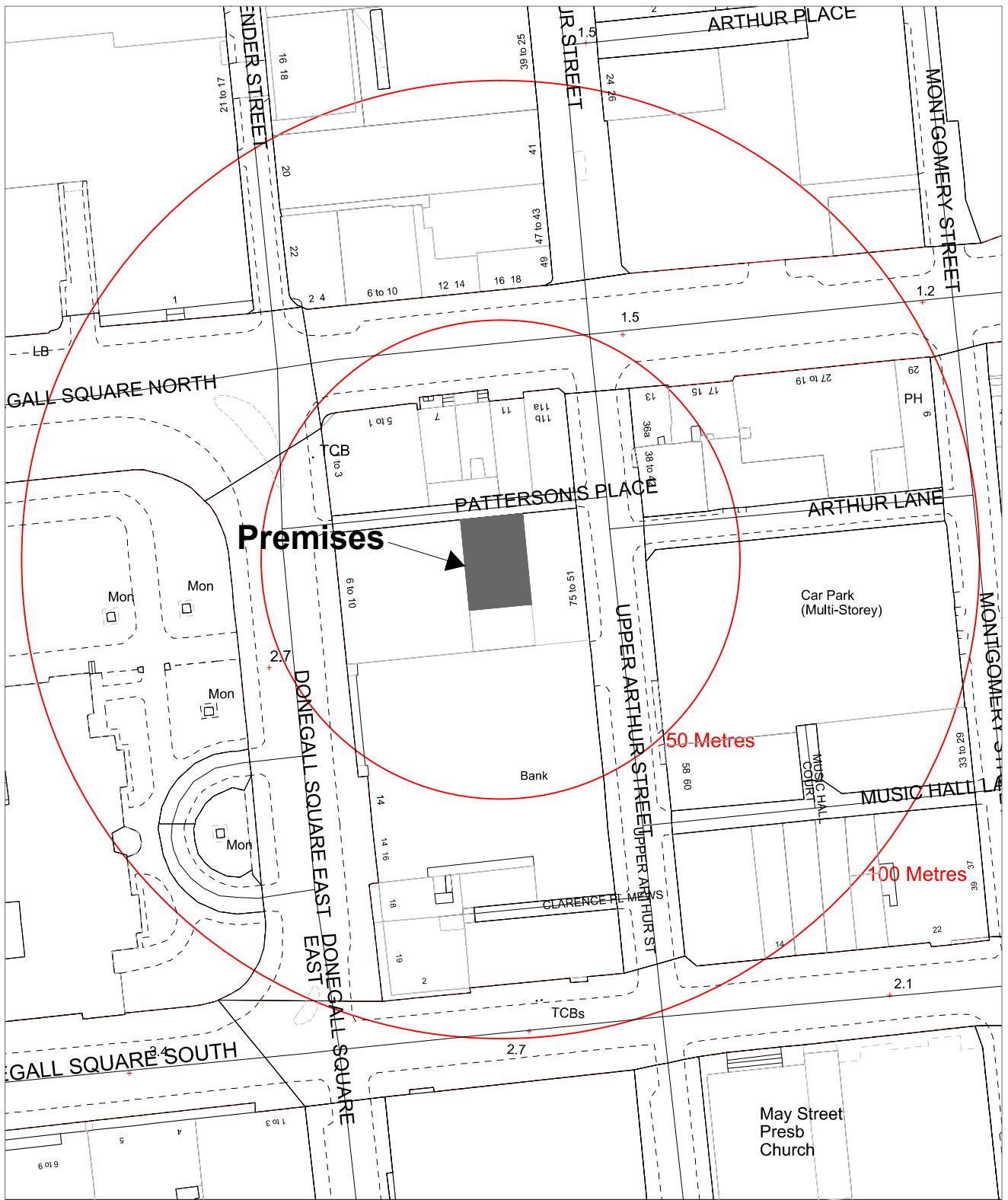
# Building Control Service

Belfast Mapping Data v3.0  
Prepared by I.S.B.  
Based upon the Ordnance Survey  
Of Northern Ireland map with the  
permission of the Director & Chief Executive.  
© CROWN COPYRIGHT 2003

## Appendix 2



100 METRES



**Premises**

50 Metres

100 Metres

DRAWN BY MT  
DATE 12/01/2016

Page 67  
Thompsons Garage  
3 Pattersons Place

SCALE 1:1250

**This page is intentionally left blank**

By virtue of paragraph(s) 3 of Part 1 of Schedule 6  
of the Local Government Act (Northern Ireland) 2014.

**Document is Restricted**

**This page is intentionally left blank**

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

**Document is Restricted**

**This page is intentionally left blank**



<b>Subject:</b>	<b>Applications for the Grant of Temporary Street Trading Licences - East Bridge Street / Great Victoria Street</b>
<b>Date:</b>	17th May, 2017
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, Ext 2435
<b>Contact Officer:</b>	Patrick Cunningham, Assistant Building Control Manager, Ext 6446

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

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

<b>1.0</b>	<b>Purpose of Report/Summary of main Issues</b>
1.1	To consider two Temporary Street Trading Licence applications from Miss Nichola Coffey of Mixtape Marketing who are acting on behalf of Lucozade.
<b>2.0</b>	<b>Recommendation</b>
2.1	The Committee is requested to decide whether to:- <ol style="list-style-type: none"> <li>1. grant and approve either or both licences, or</li> <li>2. grant and approve either or both licences with additional conditions, or</li> <li>3. refuse either or both licences.</li> </ol>
2.2	The Committee may attach any reasonable conditions when granting a licence.

2.3	If any of the applications are refused, the applicant may appeal the Council's decision within 21 days of notification of that decision to the Magistrates Court.
<b>3.0</b>	<b>Main Report</b>
	<p data-bbox="272 327 432 360"><b><u>Key Issues</u></b></p> <p data-bbox="165 394 1469 495">3.1 Miss Coffey proposes to operate one sampling stand measuring 1m in height and 0.8m in width and two sampling trays at the entrance to Central Station on East Bridge Street on 2nd June 2017 from 11.00 am to 3.00 pm.</p> <p data-bbox="165 528 1469 595">3.2 The applicant also proposes to operate a second sampling stand and two sampling trays, of equal size, at Great Victoria Street near the junction with Glengall Street at the same time.</p> <p data-bbox="165 629 1469 696">3.3 Miss Coffey plans to hand out complimentary bottles of Lucozade Zero to members of the public in order to promote the product.</p> <p data-bbox="165 730 1214 763">3.4 The locations of the proposed sites are attached at Appendices 1 and 2.</p> <p data-bbox="165 797 1469 898">3.5 Section 14 of the Street Trading Act (N.I.) 2001 permits the Council to issue a Temporary Licence where a full-term licence may not be appropriate, for example, for special events such as festivals, fairs, etc.</p> <p data-bbox="165 931 1469 1032">3.6 In recognition of the possibility that applications may need to be processed quickly and because of the ad-hoc nature of the events for which a Temporary Licence is designed to cater for, the wording of the legislation permits a wide degree of discretion to the Council.</p> <p data-bbox="165 1066 1469 1133">3.7 The Council is given the discretion to allow trading at any place or in any manner and has the discretion to permit trading in such goods or services as it wishes.</p> <p data-bbox="165 1167 1469 1301">3.8 Under the Act, the Council is required to develop criteria for making decisions on applications for a Temporary Licence. The Council is free to set the criteria it considers appropriate, for example, the types of occasions/events, the types of trading, the size/number of stalls, the positioning of stalls, etc.</p> <p data-bbox="165 1335 1469 1402">3.9 Members are advised that the Council agreed a Temporary Street Trading Policy in 2001. A copy of the Policy is attached at Appendix 3.</p> <p data-bbox="165 1435 1469 1570">3.10 The Council may also attach any conditions it considers appropriate to the grant of a Temporary Licence. These may be similar to those which the Council might attach to a full term licence but the Act allows the freedom to respond to the special nature of such licences with different rules.</p> <p data-bbox="165 1603 1469 1671">3.11 A Temporary Licence cannot be granted for a period exceeding 7 days and the Council can issue no more than five Temporary Licences to any person in any year.</p> <p data-bbox="165 1704 1469 1906">3.12 The application has been assessed against the Council's Temporary Street Trading Policy and Members are advised that it does not fully comply with it, in that:</p> <ol data-bbox="272 1805 1469 1906" style="list-style-type: none"> <li>1. Applications to permit Temporary Street Trading are normally at special events such as Christmas Lights Switch-on, New Year's Eve, Halloween Events, Festival and Civic Events, Community Organised Events and Cultural Parades/Events.</li> </ol> <p data-bbox="165 1939 1046 1973">3.13 This application is not connected to any such special event.</p>



3.14	However, the Policy allows for Temporary Street Trading which adds colour, ambience, novelty and/or tradition in particular locations and/or may consider such applications in the context of seasonal/festive periods.
3.15	<p>In determining the suitability of each Temporary Street Trading Licence, 5.7 in the Policy allows the Council to take into account:</p> <ul style="list-style-type: none"> <li>(a) The safety of the public and any risks which may arise;</li> <li>(b) The appropriateness and suitability of the street or part thereof and commodities in relation to the location;</li> <li>(c) The potential adverse impact that Temporary Street Trading may have upon the character and appearance of the area in question;</li> <li>(d) The extent to which the sale of the commodity will provide a useful service to the event or occasion not otherwise provided in the area;</li> <li>(e) The potential environmental effects such as additional litter, cleansing requirements, odour and noise;</li> <li>(f) The potential for the proposed said Temporary Street Trading Licence to have an adverse effect in terms of anti-social behaviour and public disorder;</li> <li>(g) Any other statutory provision which would be appropriate to consider;</li> <li>(h) Previous complaints arising from any Street Trading activities in that street or part thereof;</li> <li>(i) The conditions pertaining to the event e.g. road closures, provision of marshals, off-street activities and venues, numbers of persons anticipated and age profile; and</li> <li>(j) The number of Temporary Street Trading Licences already granted for a street or part thereof for a specified period and adequacy in the context of the commodity or service proposed to be offered.</li> </ul> <p><b><u>Consultation</u></b></p>
3.16	DRD Transport N.I. has been consulted and had confirmed that it has no objections to the proposals.
3.17	The PSNI has been consulted and has confirmed that it has no objections to the proposals.
3.18	Translink has been consulted and has confirmed by telephone that it has no objections to the proposals. It hasn't confirmed in writing.
3.19	Belfast City Centre Management has also been consulted but has not provided a response.
3.20	A copy of all consultation responses are attached at Appendix 4.
	<b><u>Process</u></b>
3.21	The applicant has been invited to appear before the Committee and make a brief presentation on matters such as how they propose to operate and amange the promotion from the site, and address any concerns associated with the proposal.

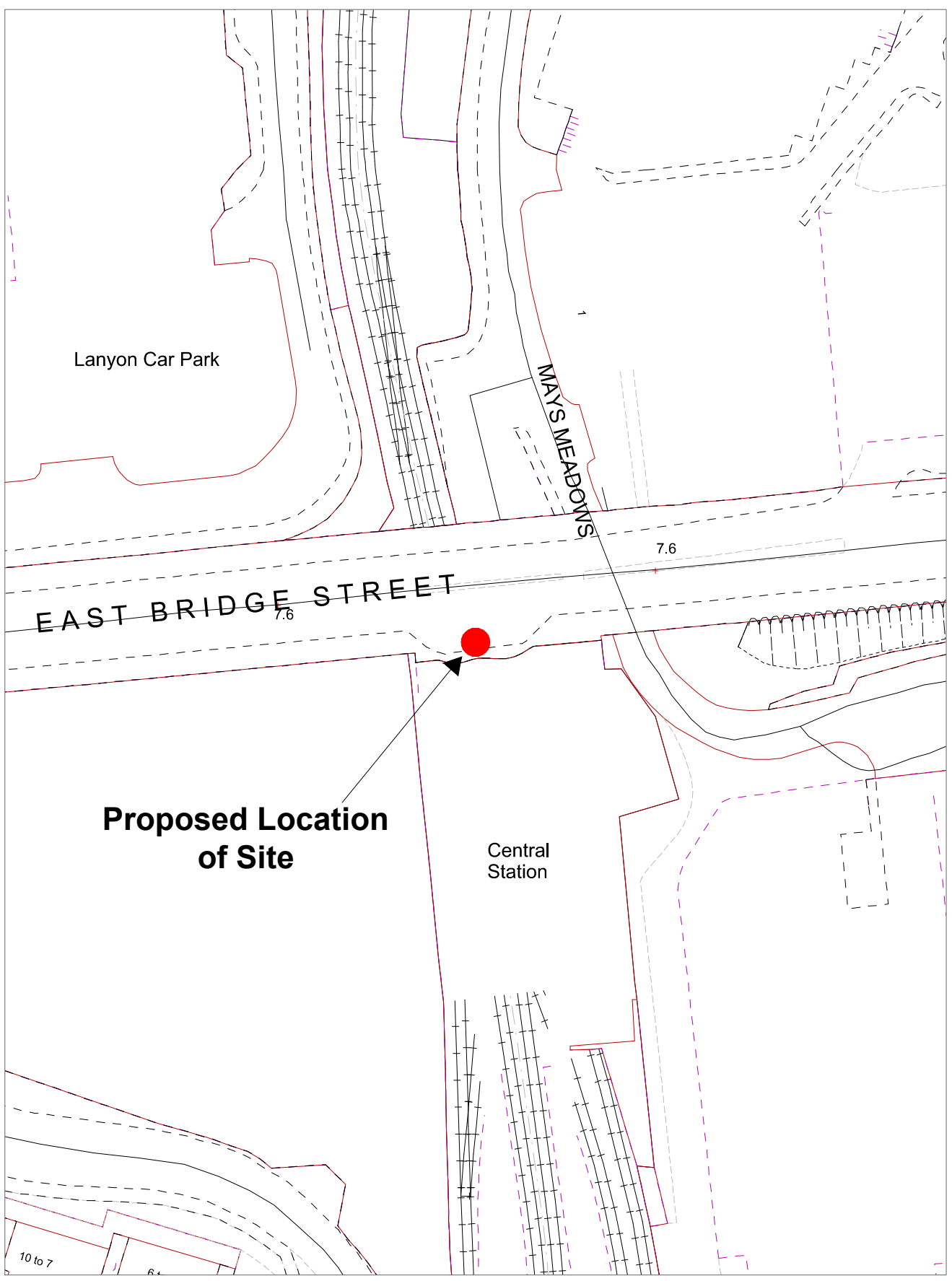
3.22	<p>After considering representation from the applicant, you will then be required to determine the application.</p> <p><b><u>Financial and Resource Implications</u></b></p>
3.23	<p>If the Committee grants the Temporary Street Trading Licence, the fee is as follows:</p> <ul style="list-style-type: none"> <li>• Application Fee of £120, and</li> <li>• A Licence Fee of £26 for Friday</li> </ul> <p><b><u>Equality or Good Relations Implications</u></b></p>
3.24	<p>There are no equality or good relations issues associated with this report.</p>
<b>4.0</b>	<b>Documents Attached</b>
	<p>Appendix 1 - Map for proposed East Bridge Street site</p> <p>Appendix 2 – Map for proposed Great Victoria site</p> <p>Appendix 3 – Temporary Street Trading Policy</p> <p>Appendix 4 – Consultation Responses</p>



# Building Control Service

Belfast Mapping Data v3.0  
Prepared by I.S.B.  
Based upon the Ordnance Survey  
Of Northern Ireland map with the  
permission of the Director & Chief Executive.  
© CROWN COPYRIGHT 2003

## Appendix 1



DRAWN BY JC  
DATE 10/05/2017

**Page 77**  
**East Bridge Street**  
**-outside Central Station**

SCALE 1:1000

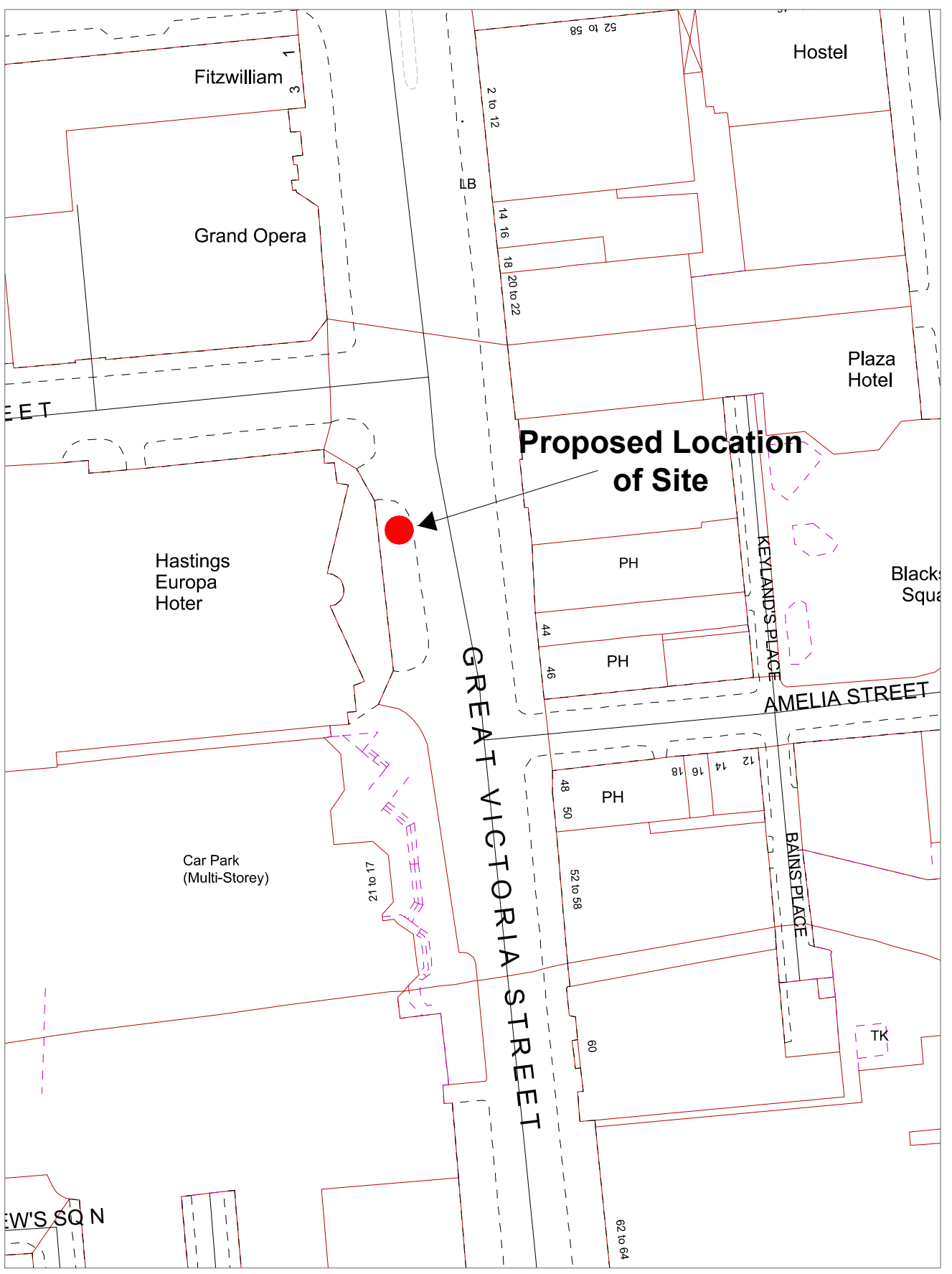
**This page is intentionally left blank**



# Building Control Service

Belfast Mapping Data v3.0  
Prepared by I.S.B.  
Based upon the Ordnance Survey  
Of Northern Ireland map with the  
permission of the Director & Chief Executive.  
© CROWN COPYRIGHT 2003

## Appendix 2



DRAWN BY JC  
DATE 10/05/2017

Page 79  
Great Victoria Street  
-outside the Europa Hotel

SCALE 1:1000

**This page is intentionally left blank**

<b>Licensing Unit.</b> <b>Building Control Service</b> <b>Chief Executive's Department</b>  <b>Temporary Street Trading Policy</b>	Procedure Page No. Edition/Issue No. Issue Date Reference: Service:	ST Temp Licence 1 of 4 1/1 1 <sup>st</sup> Nov 2001 JC Building Control
--	--	--

## CONTENTS

	Page	Paragraph
Purpose	2	1
Scope	2	2
References	2	3
Background	2	4
General Principles	3	5

## **1 Purpose**

By virtue of Section 14 of the Street Trading Act (Northern Ireland) 2001 the Council may grant to a person a Temporary Licence authorising him to engage in Street Trading in a street or part thereof in its District.

The purpose of this Policy is to provide guidance on matters which should be considered when deciding whether to grant to a person a Temporary Street Trading Licence. Its aim is to provide, insofar as is possible, consistent decision making so as to develop and thereafter maintain public confidence in Belfast City Council's performance of its duties.

## **2 Scope**

This Policy is intended to ensure that Belfast City Council Members and Officers are aware of those matters to be taken into consideration when determining whether to grant a Temporary Licence.

## **3 References**

3.1 Street Trading Act (Northern Ireland) 2001.

3.2 Guide to the Street Trading Act (Northern Ireland) 2001.

## **4 Background**

The Street Trading Act (Northern Ireland) 2001 enables District Councils to regulate Street Trading through designating, licensing and enforcement procedures. The Act received Royal Assent on the 5<sup>th</sup> April 2001, with a run in period of 6 months and becomes operative on the 1<sup>st</sup> October 2001. The new Act repealed most of the provisions of the 1929 Street Trading (Regulation) Act, except Section 10 which contains the provisions whereby Market Rights can be acquired or extinguished.

Section 14(5) of the Act requires the City Council to formulate, and make available to any person on request, criteria with respect to the granting of Temporary Street Trading Licences by it under this Section and requires that the City Council have regard to those criteria when considering whether to grant a Temporary Street Trading Licence.

## **5 General Principles**



- 5.1 Each case must be considered on its own merits, but there are general principles that apply in all cases. The duty of Belfast City Council is to make sure that each Temporary Street Trading Licence application is fairly and objectively assessed and that all relevant factors are considered.
- 5.2 Belfast City Council will consider applications to permit Temporary Street Trading at special events organised within the City Council Area. The City Council will determine each case in light of the prevailing circumstances and relevant information made available to it. Events in the nature of the Lord Mayors Parade, Christmas Lights Switch-on, New Years Eve, Halloween Events, Festival & Civic Events, Community Organised Events and Cultural Parades/Events may be treated as special events for the purposes of the Street Trading Act (NI) 2001.
- 5.3 In circumstances other than those referred to in Paragraph 5.2 the Council subject to appropriate consultation with relevant parties, may consider applications to permit Temporary Street Trading which adds colour, ambience, novelty and/or tradition in particular locations and/or may consider such applications in the context of seasonal/festive periods.
- 5.4 Applications must be received by Belfast City Council not less than 42 days before the date of the first day of the proposed event. Belfast City Council may consider such applications for Temporary Street Trading where this time period cannot be complied with.
- 5.5 Belfast City Council will consult with -
  - (a) The District Commander of the Police District Command Unit in which the streets are situated;
  - (b) The Department for Regional Development as regards that Department's functions with respect to roads and regulation of road traffic;
- 5.6 The Council may also consult other persons, as it considers appropriate. Such Consultees may include the following:
  - (i) The organiser or organising committee of the specified event.
  - (ii) Belfast Chamber of Trade and Commerce.
  - (iii) Belfast City Centre Management
  - (iv) Nearby Street Trading Licence holders who may be affected.
  - (v) Business and Commercial premises in the vicinity of the site in respect of which the application has been received.
  - (vi) N.I. Ambulance Service and /or other Emergency Services.
  - (vii) National Market Traders Federation.

5.7 Without prejudice to its right to take account of any relevant consideration in determining the suitability of each Temporary Street Trading Licence, the Belfast City Council will take into account:

- (a) The safety of the public and any risks which may arise.
- (b) The appropriateness and suitability of the street or part thereof and commodities in relation to the location.
- (c) The potential adverse impact that Temporary Street Trading may have upon the character and appearance of the area in question.
- (d) The extent to which the sale of the commodity will provide a useful service to the event or occasion not otherwise provided in the area;
- (e) The potential environmental effects such as additional litter, cleansing requirements, odour and noise.
- (f) The potential for the proposed said Temporary Street Trading Licence to have an adverse effect in terms of anti-social behaviour and public disorder.
- (g) Any other Statutory provision which would be appropriate to consider;
- (h) Previous complaints arising from any Street Trading activities in that street or part thereof.
- (i) The conditions pertaining to the event e.g. road closures, provision of marshals, off-street activities and venues, numbers of persons anticipated and age profile.
- (j) The number of Temporary Street Trading Licences already granted for a street or part thereof for a specified period and adequacy in the context of the commodity or service proposed to be offered.

5.8 This policy may be considered, amended or replaced at any time without any further requirement to consult other parties.

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

Document is Restricted

**This page is intentionally left blank**

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

Document is Restricted

**This page is intentionally left blank**



<b>Subject:</b>	<b>Application for the Grant of a Stationary Street Trading Licence - Donegall Quay</b>
<b>Date:</b>	17th May, 2017
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext 2435
<b>Contact Officer:</b>	Patrick Cunningham, Assistant Building Control Manager, ext 6446

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

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

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>
1.1	To consider a Street Trading application to trade on one of six designated sites at Donegall Quay.
<b>2.0</b>	<b>Recommendation</b>
2.1	Based on the information presented and considering any representations received, the Committee is requested to consider the application and decide whether it is minded to: <ol style="list-style-type: none"> <li>1. grant and approve the licence, or;</li> <li>2. grant and approve the licence with additional conditions, or</li> <li>3. refuse the licence application, under the discretionary grounds as outlined at paragraph 3.5.</li> </ol>
2.2	Members may attach any reasonable conditions when granting a Street Trading Licence.

2.3	When minded to refuse a licence application, the applicant must be informed that they will be permitted to make representation regarding the refusal to the Council, with such representations to be made not less than 21 days from the date of notice.
2.4	As a consequence, the actual decision to grant and refuse the licence will be considered at a meeting on a later date. There is a right of appeal to the Magistrate's Court against any refusal on these grounds.
<b>3.0</b>	<b>Main Report</b>
	<p data-bbox="272 477 427 510"><b><u>Key Issues</u></b></p> <p data-bbox="165 533 1469 633">3.1 Mr. Donal Kelly has applied to operate a guided walking tour on the history of Belfast, starting from the designated site at Donegall Quay and ending at City Hall. He proposes to operate the site from Monday to Saturday from 10.00 am to 5.00 pm.</p> <p data-bbox="165 656 1469 790">3.2 Mr. Kelly has proposed to use an 'A' frame message board as the starting point of the tour. He does not intend to use a standard street trading stall and, therefore, the 'A' frame message board does not meet the minimum standard required, as stated in the Council's Street Trading Stall Design and Trading Policy.</p> <p data-bbox="165 813 1469 913">3.3 The Department for Communities, as the landowner of the site, has met with Mr. Kelly and has agreed in principle that he can trade from the site, subject to him obtaining a Street Trading Licence.</p> <p data-bbox="165 936 1469 1037">3.4 The Street Trading Act (Northern Ireland) 2001 (the Act) places a statutory obligation on a district council to grant an application for a Street Trading Licence unless there are sufficient grounds to refuse it.</p> <p data-bbox="165 1059 1469 1137">3.5 Section 9 (1) (a) of the Act provides that the Council may, in certain circumstances, refuse an application. However most particularly, if;</p> <ul data-bbox="316 1171 1406 1294" style="list-style-type: none"> <li>• the nature of the articles, things or services in which the applicant wishes to trade is such that their sale or supply, or their preparation for sale or supply, would adversely affect the general amenity of the area in which the applicant wishes to trade.</li> </ul> <p data-bbox="165 1339 1469 1529">3.6 Members are advised that, in 2005, the Council agreed a Street Trading Stall Design and Trading Policy. The purpose of this Policy is to provide guidance on the minimum standard of stall design, which should be considered when deciding whether to grant to a person a Street Trading Licence. This Policy is included with each application form for each applicant to read. Below is an extract from the Policy dealing with the minimum standard of stalls which will be accepted.</p> <p data-bbox="284 1574 1406 1977"><b>5.4</b> <i>It should be noted that these Design Guidelines are the <b>Minimum Standard</b> which will be accepted by Belfast City Council. A high quality contemporary design manufactured from 25mm (1") square steel tube with a 2mm wall thickness to give strength which is zinc plated or hot-dip galvanised to overcome corrosion problems will be acceptable. The design of stall must be fitted with canvas or heavy duty PVC fitted roof cover with scalloped edges. The roof must be pitched or domed to prevent water collection. A matching fitted 'skirt' must be attached to the counter area; this will give a professional looking appearance to the stall. Where walls are required for the stall, they must be of the same high quality material used for the fitted roof and be made to measure to enable a fitted appearance. The design must not exceed 3 metres in length and 1.5 metres in width (inclusive of wheels). All materials used must be fire retardant.</i></p>



	<p><b>5.5</b> <i>Belfast City Council may where appropriate give preference to stalls designed and constructed to a higher standard including traditional timber barrows, handcarts, tricycles or kiosks which are constructed from appropriate traditional materials, such as timber panels. These stalls must have a fitted roof or umbrella, constructed of timber panelling, canvass or heavy duty PVC with scalloped edges. The roof must be pitched or domed to prevent water collection. The design must not exceed 3 metres in length and 1.5 metres in width (inclusive of wheels). All materials used must be fire retardant.</i></p> <p><b>5.6</b> <i>In exceptional circumstances, the Council, subject to such consultation as it considers appropriate, may in particular locations consider novel alternative designs of stall which add to the colour, ambience, vibrancy etc. of the area.</i></p> <p>3.7 The application from Mr. Kelly which states that an ‘A’ Board will be used does not comply with the Councils Policy.</p> <p><b><u>Process</u></b></p> <p>3.8 The applicant has been invited to appear before Committee and make a brief presentation on matters such as how he proposes to operate and manage the site, the design of the stall and to address any concerns associated with the proposal.</p> <p>3.9 After considering representation from the applicant you will then be required to determine the application.</p> <p><b><u>Financial and Resource Implications</u></b></p> <p>3.10 If the Committee is of the mind to grant the applicant a Street Trading Licence, the fee is as follows:</p> <ul style="list-style-type: none"> <li>• Application Fee of £100, and</li> <li>• A Licence fee, for Monday to Saturday £800.</li> </ul> <p><b><u>Equality or Good Relations Implications</u></b></p> <p>3.11 There are no equality or good relations issues.</p>
<b>4.0</b>	<b>Documents Attached</b>
	None

**This page is intentionally left blank**



<b>Subject:</b>	<b>Competing Applications for a Stationary Street Trading Licence - Donegall Street</b>
<b>Date:</b>	17th May, 2017
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, Ext 2435
<b>Contact Officer:</b>	Patrick Cunningham, Assistant Building Control Manager, Ext 6446

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

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

1.0	Purpose of Report/Summary of main Issues
1.1	Members are reminded that, at your meeting on 19th October, 2016, you considered separate Street Trading Licence applications from Mr Sydney McCallum and Ms. Linsey Swift for the designated site on Donegall Street, opposite the Kremlin Nightclub.
1.2	Mr. McCallum was applying for the renewal of his Stationary Street Trading Licence at this site and Ms Swift was applying for the site as a new trader.
1.3	After considering the applications, the Committee agreed that it was minded to grant a Stationary Street Trading Licence to Mr. McCallum permitting him to sell hot food and non-alcoholic beverages from Monday to Sunday between the hours of 9.00 pm and 4.00 am at the designated site in Donegall Street on the basis that he had been trading at that location since 2000 and that the other applicant, Ms Swift, had indicated she would be willing to consider an alternative site.

1.4	A copy of the minute from that meeting is attached.
<b>2.0</b>	<b>Recommendations</b>
2.1	The Committee must agree either to: <ol style="list-style-type: none"> <li>1. affirm the initial decision of 19th October, 2016 and grant the licence to Mr, McCallum for a period of three years and refuse the other application, or</li> <li>2. amend its decision of 19th October, 2016.</li> </ol>
2.2	If the Committee agrees to amend its decision of 19th October 2016, it should give the grounds for so doing and arrange to hear from the applicants again before making a final decision.
2.3	On granting a licence, the Committee may attach any reasonable conditions to it they so decide.
<b>3.0</b>	<b>Main Report</b>
	<b><u>Key Issues</u></b>
3.1	As a consequence of agreeing that you were minded to grant the Stationary Street Trading Licence to Mr McCallum, the Committee agreed that it was minded to refuse the application which had been submitted by Ms Swift.
3.2	That decision was on the grounds set out in Sections 9(1) (a) (i) and (iv) of the Street Trading Act (Northern Ireland) 2001, namely, that the location at which they wished to trade was unsuitable and that there were sufficient traders trading at that location in the articles, things or services in which they wished to trade.
3.3	Members will recall that Ms. Swift informed the Committee that she had been unaware, when submitting her application that Mr McCallum had been trading at that location for a considerable period of time. In light of that, she confirmed that she would be willing to consider other suitable sites which might be available.
3.4	Accordingly, Ms. Swift was notified that she would be permitted to make written representation to the Council with such representation to be made within 21 days from the date of notice. However, Members are advised that Mrs Swift has not submitted an appeal.
3.5	Mr McCallum has therefore continued to trade from the designated site on Donegall Street.
3.6	The Committee also requested that officers work with Ms. Swift to identify other suitable sites from which she might wish to trade. As a result, she has recently made an application for a number of sites which she believes would be suitable for designation. These were presented to the Committee in April within the report on designating resolutions for street trading sites.
	<b><u>Financial and Resource Implications</u></b>
3.7	If the Committee grants a licence, the Street Trading Licence fee is as follows: <ul style="list-style-type: none"> <li>• Application Fee of £100, and</li> <li>• A Licence fee, for Monday to Sunday £1017.</li> </ul>

	<b><u>Equality or Good Relations Implications</u></b>
3.8	There are no equality or good relations issues.
<b>4.0</b>	<b>Document Attached</b>
	Minute of the Committee meeting of 19th October, 2016.

**This page is intentionally left blank**

**Competing Applications for a Stationary  
Street Trading Licence - Donegall Street**

The Committee was advised that competing applications had been received from two persons wishing to trade from a designated site in Donegall Street, opposite the Kremlin nightclub. The Building Control Manager reviewed the applications, one of which had been submitted by the current licence holder, Mr. S. McCallum, who had applied to sell from a hot food trailer hot food and non-alcoholic beverages from Monday to Sunday between the hours of 9.00 p.m. and 4.00 a.m. His business was registered currently by the Council and had been awarded a rating of 3 under the Food Hygiene Rating Scheme.

The second applicant, Ms. L. Swift, was seeking also to sell from a hot food trailer hot food and non-alcoholic beverages from Monday to Sunday between the hours of 9.00 p.m. and 3.00 a.m. Her business was registered currently by Ards and North Down Borough Council and held a food hygiene rating of 5.

The Building Control Manager confirmed that both applicants were in attendance, should the Committee wish to obtain clarification on their proposals for the site.

The Committee agreed that it would be beneficial to hear from each of the applicants and Mr. S. McCallum and Mrs. L. McCallum were welcomed firstly by the Chairperson.

Mr. McCallum informed the Members that he had been trading at the location for approximately fourteen years and that he had created no difficulties for the Police Service of Northern Ireland or for others. He pointed out that, at the end of each night's trading, he methodically cleansed both sides of the street in the vicinity of his trailer, which included an area to the front of a church. He concluded by circulating for the Committee's information letters from a representative of that church and from a nearby business, both of which were supporting his application. Mrs. McCallum highlighted the fact that the business provided a longstanding and reputable service for night-time customers attending local entertainment venues and urged the Committee to grant her husband's application.

The Chairperson then invited Ms. L. Swift, the second applicant, who was accompanied by Mr. D. Sloan, to make her submission.

Ms. Swift informed the Committee that she had been unaware, when submitting her application, that Mr. McCallum had been trading at that location for a considerable period of time. In light of that, she confirmed that she would be willing to consider other suitable sites which might be available.

The Chairperson thanked the applicants for their contribution.

After discussion, the Committee agreed, in its capacity as Licensing Authority, that it was minded to grant to Mr. S. McCallum a Stationary Street Trading Licence permitting him to sell hot food and non-alcoholic beverages from Monday to Sunday between the hours of 9.00 p.m. and 4.00 a.m., at a designated site in Donegall Street, opposite the Kremlin nightclub, on the basis that he had been trading at that location since 2000 and that the other applicant had indicated that she would be willing to consider an alternative site.

As a consequence of the decision to grant the Licence to Mr. McCallum and the fact that there was only one designated site available, the Committee agreed that it was minded to refuse the application which had been submitted by Ms. L. Swift, on the grounds set out in Section 9(1) (a) (iv) of the Street Trading Act (Northern Ireland) 2001, namely, that there were sufficient traders trading at that location in the articles, things or services in which she wished to trade. The Committee authorised Council officers to work with Ms. L. Swift to identify other suitable sites from which she might wish to trade.

The Committee noted that the unsuccessful applicant would be advised that, in accordance with Section 12 (2) (b) of the Street Trading Act (Northern Ireland) 2001, she would be permitted to make written representation to the Council within twenty-one days from the date of notice.





<b>Subject:</b>	<b>Fees for Street Trading Licences</b>
<b>Date:</b>	17th May, 2017
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

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

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

<b>1.0</b>	<b>Purpose of Report/Summary of main Issues</b>
<b>1.1</b>	To consider the report, in respect of proposed fees for Street Trading Licences, which was deferred at your April meeting for officers to provide additional information and to allow Members to give the matter further consideration.
<b>2.0</b>	<b>Recommendation</b>
<b>2.1</b>	<p>The Committee is requested to consider the report and the deferred Street Trading Fees reports from your January and April 2017 meetings and:</p> <ol style="list-style-type: none"> <li>1. choose which fee charging option you consider most appropriate to introduce for a Street Trading Licence, or</li> <li>2. determine appropriate fees for a Street Trading Licence arising from your discussions on the various options presented.</li> </ol>

<b>3.0</b>	<b>Main Report</b>																																																												
	<b><u>Key Issues</u></b>																																																												
3.1	Members will recall that, at your meetings in January and April, you considered the outcome of the public consultation on the proposed fees for Street Trading Licences and agreed to defer the report to enable officers to provide specific additional information.																																																												
3.2	Copies of the reports and minutes from your January and April meetings are attached at Appendix 1.																																																												
3.3	Members had asked that Option 1 be recalculated, based on two site visits a year rather than 1, as there was concern that reducing from the current level of 4 inspections per year to 1 may have a detrimental effect on compliance.																																																												
3.4	The cost of compliance visits at the weekend includes an enhanced pay rate; this is particularly evident when two compliance visits are included for Weekend and Sunday only traders. However Members are advised, as per the table at 3.8, that there are currently no traders operating solely at the weekend.																																																												
3.5	By including an additional compliance visit the following revised fees have been calculated and are referred to as Option 1b:																																																												
	<table border="1"> <thead> <tr> <th><b>STATIONARY &amp; MOBILE LICENCE</b></th> <th></th> <th><b>Proposed fee</b></th> <th></th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Application Fee - <b>Non refundable</b></td> <td>£ 432.25</td> <td><b>£ 430</b></td> <td></td> </tr> <tr> <td>Renewal Application Fee - <b>Non refundable</b></td> <td>£ 337.50</td> <td><b>£ 340</b></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td><i>Per Week</i></td> </tr> <tr> <td>Licensed for Monday to Friday</td> <td>£ 1,173.50</td> <td><b>£ 1,173</b></td> <td>£ 22.56</td> </tr> <tr> <td>Licensed for Monday to Sunday</td> <td>£ 1,217.00</td> <td><b>£ 1,218</b></td> <td>£ 23.42</td> </tr> <tr> <td>Licensed for Weekend</td> <td>£ 1,238.75</td> <td><b>£ 1,240</b></td> <td>£ 23.85</td> </tr> <tr> <td>Licensed for Sunday</td> <td>£ 1,260.50</td> <td><b>£ 1,260</b></td> <td>£ 24.23</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th><b>TEMPORARY LICENCE</b></th> <th></th> <th></th> <th></th> </tr> </thead> <tbody> <tr> <td>Application Fee - <b>Non refundable</b></td> <td>£ 432.25</td> <td><b>£ 400</b></td> <td></td> </tr> <tr> <td>Licence Fee</td> <td>£ 130.50</td> <td><b>£ 130</b></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><b>Variation of Licence Particulars</b></td> <td>£ 315.75</td> <td><b>£ 315</b></td> <td></td> </tr> </tbody> </table>	<b>STATIONARY &amp; MOBILE LICENCE</b>		<b>Proposed fee</b>						Application Fee - <b>Non refundable</b>	£ 432.25	<b>£ 430</b>		Renewal Application Fee - <b>Non refundable</b>	£ 337.50	<b>£ 340</b>									<i>Per Week</i>	Licensed for Monday to Friday	£ 1,173.50	<b>£ 1,173</b>	£ 22.56	Licensed for Monday to Sunday	£ 1,217.00	<b>£ 1,218</b>	£ 23.42	Licensed for Weekend	£ 1,238.75	<b>£ 1,240</b>	£ 23.85	Licensed for Sunday	£ 1,260.50	<b>£ 1,260</b>	£ 24.23	<b>TEMPORARY LICENCE</b>				Application Fee - <b>Non refundable</b>	£ 432.25	<b>£ 400</b>		Licence Fee	£ 130.50	<b>£ 130</b>						<b>Variation of Licence Particulars</b>	£ 315.75	<b>£ 315</b>	
<b>STATIONARY &amp; MOBILE LICENCE</b>		<b>Proposed fee</b>																																																											
Application Fee - <b>Non refundable</b>	£ 432.25	<b>£ 430</b>																																																											
Renewal Application Fee - <b>Non refundable</b>	£ 337.50	<b>£ 340</b>																																																											
			<i>Per Week</i>																																																										
Licensed for Monday to Friday	£ 1,173.50	<b>£ 1,173</b>	£ 22.56																																																										
Licensed for Monday to Sunday	£ 1,217.00	<b>£ 1,218</b>	£ 23.42																																																										
Licensed for Weekend	£ 1,238.75	<b>£ 1,240</b>	£ 23.85																																																										
Licensed for Sunday	£ 1,260.50	<b>£ 1,260</b>	£ 24.23																																																										
<b>TEMPORARY LICENCE</b>																																																													
Application Fee - <b>Non refundable</b>	£ 432.25	<b>£ 400</b>																																																											
Licence Fee	£ 130.50	<b>£ 130</b>																																																											
<b>Variation of Licence Particulars</b>	£ 315.75	<b>£ 315</b>																																																											
3.6	Attached at Appendix 2 is an overview of all the fees options for comparison against the current fees.																																																												
3.7	Members are reminded that the Street Trading Act (N.I.) 2001 only allows for a permanent licence to be granted for a maximum of 3 years.																																																												
3.8	As requested, the table below provides details of the types of traders that currently operate and the days of the week for which they are licensed.																																																												

	Mon-Fri	Mon-Sat	Mon-Sun	Sat	Sun
<b>Stationary</b>	4	4	13	0	0
<b>Mobile</b>	0	5	17	0	0

3.9 In the last financial year we also issued 55 Temporary licences.

**Financial and Resource Implications**

3.10 There are significant financial and resource implication associated with this report.

3.11 The proposed Licence fees at option 3 most closely reflect the cost of the operational and administration processes that currently are undertaken for the street trading licensing scheme; particularly in relation to the costs for processing a grant or renewal of licence application.

**Equality or Good Relations Implications**

3.12 The Council's Equality and Diversity Officer has been consulted and there are no issues with regards to the setting of fees.

**4.0 Documents Attached**

Appendix 1 – Reports and minutes from January and April meetings

Appendix 2 – Overview of fee options

**This page is intentionally left blank**

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

**Document is Restricted**

**This page is intentionally left blank**



<b>Subject:</b>	<b>Fees for Street Trading Licences</b>
<b>Date:</b>	19th April, 2017
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

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

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

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>
<b>1.1</b>	To consider proposed options regarding the appropriate level of fees which Belfast City Council may charge for Street Trading Licences.
<b>2.0</b>	<b>Recommendations</b>
<b>2.1</b>	<p>The Committee is requested to consider the contents of the report and the deferred Street Trading Fees report from your meeting in January 2017 and:</p> <ol style="list-style-type: none"> <li>1. choose which fee charging option you consider most appropriate to introduce for a Street Trading Licence, or</li> <li>2. determine appropriate fees for a Street Trading Licence arising from your discussions on the various options presented.</li> </ol>

3.0	<b>Main Report</b>																																				
	<p data-bbox="276 241 432 275"><b><u>Key Issues</u></b></p> <p data-bbox="165 315 1469 479"><b>3.1</b> Members will recall that, at your meeting in January, you considered the outcome of the public consultation on the proposed fees for Street Trading Licences and agreed to defer the report to enable officers to provide additional information, to examine options for introducing the proposed fees on a phased basis over the term of a licence and for establishing a fee for a one day licence.</p> <p data-bbox="165 517 1251 551"><b>3.2</b> A copy of the minute from your January meeting is attached at Appendix 1.</p> <p data-bbox="165 589 1469 651"><b>3.3</b> Below is a summary of the proposed fees which you provisionally agreed at your meeting on 15th June, 2016.</p> <table border="1" data-bbox="400 714 1342 1227"> <thead> <tr> <th colspan="2" data-bbox="400 714 1206 748"><b>STATIONARY and MOBILE LICENCE</b></th> <th data-bbox="1206 714 1342 748"><b>Fee</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="400 748 1206 792">Application Fee - <i>Non refundable</i></td> <td data-bbox="1206 748 1342 792"></td> <td data-bbox="1206 748 1342 792"><b>£617</b></td> </tr> <tr> <td data-bbox="400 792 1206 837">Renewal Application Fee - <i>Non refundable</i></td> <td data-bbox="1206 792 1342 837"></td> <td data-bbox="1206 792 1342 837"><b>£523</b></td> </tr> <tr> <td data-bbox="400 837 1206 882">Licensed for Monday to Friday</td> <td data-bbox="1206 837 1342 882"></td> <td data-bbox="1206 837 1342 882"><b>£1,500</b></td> </tr> <tr> <td data-bbox="400 882 1206 927">Licensed for Monday to Sunday</td> <td data-bbox="1206 882 1342 927"></td> <td data-bbox="1206 882 1342 927"><b>£1,570</b></td> </tr> <tr> <td data-bbox="400 927 1206 972">Licensed for Weekend</td> <td data-bbox="1206 927 1342 972"></td> <td data-bbox="1206 927 1342 972"><b>£1,350</b></td> </tr> <tr> <td data-bbox="400 972 1206 1016">Licensed for Sunday</td> <td data-bbox="1206 972 1342 1016"></td> <td data-bbox="1206 972 1342 1016"><b>£1,220</b></td> </tr> <tr> <th colspan="2" data-bbox="400 1016 1206 1061"><b>TEMPORARY LICENCE</b></th> <th data-bbox="1206 1016 1342 1061"></th> </tr> <tr> <td data-bbox="400 1061 1206 1106">Application Fee - <i>Non refundable</i></td> <td data-bbox="1206 1061 1342 1106"></td> <td data-bbox="1206 1061 1342 1106"><b>£677</b></td> </tr> <tr> <td data-bbox="400 1106 1206 1151">Licence Fee</td> <td data-bbox="1206 1106 1342 1151"></td> <td data-bbox="1206 1106 1342 1151"><b>£130</b></td> </tr> <tr> <td data-bbox="400 1151 1206 1196"></td> <td data-bbox="1206 1151 1342 1196"></td> <td data-bbox="1206 1151 1342 1196"></td> </tr> <tr> <td data-bbox="400 1196 1206 1227"><b>Variation of Licence Particulars</b></td> <td data-bbox="1206 1196 1342 1227"></td> <td data-bbox="1206 1196 1342 1227"><b>£440</b></td> </tr> </tbody> </table> <p data-bbox="276 1296 727 1330"><b>Implementation of Revised Fees</b></p> <p data-bbox="165 1364 1469 1464"><b>3.4</b> Members may wish to note that, when they set revised fees our existing Stationary and Mobile, licensees will only pay the new licence fee at the commencement of their next trading year.</p> <p data-bbox="165 1503 1469 1603"><b>3.5</b> For example, a trader who was granted a 3 year licence in December 2016, will not pay any reviewed annual licence fee until December 2017. Additionally they will not pay the revised renewal fee until December 2019.</p> <p data-bbox="276 1637 448 1671"><b><u>Fee Options</u></b></p> <p data-bbox="165 1704 1469 1805"><b>3.6</b> A number of fee charge options are outlined below for consideration following your previous meeting. To assist the Committee, an overview of all of the options below is attached at Appendix 2.</p>	<b>STATIONARY and MOBILE LICENCE</b>		<b>Fee</b>	Application Fee - <i>Non refundable</i>		<b>£617</b>	Renewal Application Fee - <i>Non refundable</i>		<b>£523</b>	Licensed for Monday to Friday		<b>£1,500</b>	Licensed for Monday to Sunday		<b>£1,570</b>	Licensed for Weekend		<b>£1,350</b>	Licensed for Sunday		<b>£1,220</b>	<b>TEMPORARY LICENCE</b>			Application Fee - <i>Non refundable</i>		<b>£677</b>	Licence Fee		<b>£130</b>				<b>Variation of Licence Particulars</b>		<b>£440</b>
<b>STATIONARY and MOBILE LICENCE</b>		<b>Fee</b>																																			
Application Fee - <i>Non refundable</i>		<b>£617</b>																																			
Renewal Application Fee - <i>Non refundable</i>		<b>£523</b>																																			
Licensed for Monday to Friday		<b>£1,500</b>																																			
Licensed for Monday to Sunday		<b>£1,570</b>																																			
Licensed for Weekend		<b>£1,350</b>																																			
Licensed for Sunday		<b>£1,220</b>																																			
<b>TEMPORARY LICENCE</b>																																					
Application Fee - <i>Non refundable</i>		<b>£677</b>																																			
Licence Fee		<b>£130</b>																																			
<b>Variation of Licence Particulars</b>		<b>£440</b>																																			



## **OPTION 1**

- 3.7** By far the largest single expense identified in dealing with the Street Trading Licensing scheme arises from the tasks associated with the application for the grant of a new licence.
- 3.8** We have critically re-visited the amount of time spent on each task and have identified some areas where processes could be streamlined with enhanced use of IT systems in an effort to reduce costs.
- 3.9** We have also examined the current frequency of licence compliance checks for permanent traders to determine if we can reduce that element of the costs.
- 3.10** Currently, Stationary and Mobile traders are inspected 4 times a year. It is proposed to reduce the number of inspections to 1 compliance visit per year. Should Members agree to this option, the effectiveness of this reduced level of compliance checks will be monitored closely.
- 3.11** A detailed review of the reports brought before Committee for consideration was undertaken. Approximately 50% of Stationary and Mobile licence applications and 33% of Temporary Licence applications are considered at Committee.
- 3.12** By recovering the respective percentage cost for the applications that are considered by Committee and spreading it across all of the respective licences we are further able to reduce each application cost.
- 3.13** In 2002, when the first fees were calculated, it was envisaged that Designation would not happen yearly. Members will be well aware that Designation has subsequently become an annual consideration as there have been regular requests from both the Council and from members of the public for new areas to be designated.
- 3.14** For this option, it is proposed that Designation will not take place yearly, but every other year, thus the Designation cost can be halved and spread across two years.
- 3.15** This saving will not change the cost of a Temporary Licence as the Designation costs are not applied to this type of licence.
- 3.16** By undertaking these proposals the following revised fees have been calculated:

<b>STATIONARY and MOBILE LICENCE</b>		<b>Proposed fee</b>	
Application Fee - <i>Non refundable</i>	£ 432.25	<b>£ 430</b>	
Renewal Application Fee - <i>Non refundable</i>	£ 337.50	<b>£ 340</b>	
			<i>Per Week</i>
Licensed for Monday to Friday	£ 1,064.75	<b>£ 1,065</b>	£ 20.48
Licensed for Monday to Sunday	£ 1,086.50	<b>£ 1,085</b>	£ 20.87
Licensed for Weekend	£ 956.00	<b>£ 956</b>	£ 18.38
Licensed for Sunday	£ 956.00	<b>£ 956</b>	£ 18.38

<b>TEMPORARY LICENCE</b>			
Application Fee - <i>Non refundable</i>	£ 432.25	<b>£ 400</b>	
Licence Fee	£ 130.50	<b>£ 130</b>	
<b>Variation of Licence Particulars</b>	<b>£ 315.75</b>	<b>£ 315</b>	

- 3.17** What these new fees will mean for an existing mobile trader who trades Monday to Sunday is shown below. Over the 3 years the cost of having a licence will increase by £829 or on average £276 per year which equates to £5.30 per week.

	Year 1	Year 2	Year 3	over 3 years
Old fee	£1,002	£882	£882	£2,766
New fee	£1,425	£1,085	£1,085	£3,595

- 3.18** The cost of a Temporary licence for the 12<sup>th</sup> July or Saint Patrick's day is currently £165. Under this option it will be now be £530, an increase of £365.

### **OPTION 2**

- 3.19** Another option to consider would be to apply the cost of inflation to the current fees set in 2002 to determine the 2017 fees.
- 3.20** Adopting this option will give Committee, in any future fee review exercise, a better baseline for comparison as these fees will be more relevant to present day monetary value.
- 3.21** However, this option will not address the significant shortfall in cost recovery for the licensing application process.
- 3.22** This option would also require the use of the current charging structure and not the proposed new fee structure consulted on in June 2016 which had included, for example, a reduced fee for the renewal of a licence and the harmonisation of mobile and stationary licence fees.
- 3.23** However, by using the original fee structure this would address Members concerns regarding the increased cost of a Temporary Licence for one day.
- 3.24** The cost of inflation increase was determined using the Bank of England's inflation calculator.

<b>STATIONARY LICENCE</b>	<b>Current</b>	<b>Inflation</b>	<b>Proposed fee</b>
Application Fee - <b>Non refundable</b>	£ 100	£ 149.29	<b>£ 150</b>
Licensed for Monday to Friday	£ 629	£ 939.02	<b>£ 940</b>
Licensed for Monday to Saturday	£ 800	£1194.30	<b>£1,195</b>
Licensed for Monday to Sunday	£1017	£1518.26	<b>£1,520</b>
Licensed for Saturday	£ 426	£ 635.97	<b>£ 635</b>
Licensed for Sunday	£ 472	£ 704.64	<b>£ 705</b>

<b>MOBILE LICENCE</b>			
Application Fee - Non refundable	£ 120	£ 179.15	<b>£ 180</b>
Licensed for Monday to Friday	£ 429	£ 640.44	<b>£ 640</b>
Licensed for Monday to Saturday	£ 628	£ 937.53	<b>£ 940</b>
Licensed for Monday to Sunday	£ 882	£1316.72	<b>£1,315</b>
Licensed for Saturday	£ 199	£ 297.08	<b>£ 295</b>
Licensed for Sunday	£ 254	£ 379.19	<b>£ 380</b>
<b>TEMPORARY LICENCE</b>			
Application Fee - <i>Non refundable</i>	£ 120	£ 179.15	<b>£ 180</b>
Licensed for Monday to Friday, per day	£ 26	£ 38.81	<b>£ 39</b>
Licensed for Saturday	£ 36	£ 53.74	<b>£ 54</b>
Licensed for Sunday or Public holiday	£ 45	£ 67.18	<b>£ 67</b>
<b>Variation of Licence Particulars</b>	£ 50	£ 74.64	<b>£ 75</b>

- 3.25** What these new fees will mean for an existing mobile trader who trades Monday to Sunday is shown below. Over the 3 years the cost of having a licence will increase by £1,359 or on average £453 per year which equates to £8.71 per week.

	Year 1	Year 2	Year 3	over 3 years
Old fee	£1,002	£882	£882	£2,766
New fee	£1,495	£1,315	£1,315	£4,065

- 3.26** The cost of a Temporary licence for the 12<sup>th</sup> July or Saint Patrick's day is currently £165. Under this option it will be now be £247, an increase of £82.

### **OPTION 3**

- 3.27** For completeness a further option is to consider the proposed fees you provisionally agreed at your meeting of 15th June 2016:

<b>STATIONARY and MOBILE LICENCE</b>	<b>Fee</b>
Application Fee - <i>Non refundable</i>	<b>£ 617</b>
Renewal Application Fee - <i>Non refundable</i>	<b>£ 523</b>
Licensed for Monday to Friday	<b>£1,500</b>
Licensed for Monday to Sunday	<b>£1,570</b>
Licensed for Weekend	<b>£1,350</b>
Licensed for Sunday	<b>£1,220</b>

**TEMPORARY LICENCE**

Application Fee - <i>Non refundable</i>	<b>£ 677</b>
Licence Fee	<b>£ 130</b>
<b>Variation of Licence Particulars</b>	<b>£ 440</b>

**3.28** What these new fees will mean for an existing mobile trader who trades Monday to Sunday is shown below. Over the 3 years the cost of having a licence will increase by £2,467 or on average £822 per year which equates to £15.80 per week.

	Year 1	Year 2	Year 3	over 3 years
Old fee	£1,002	£882	£882	£2,766
New fee	£2,093	£1,570	£1,570	£5,233

**3.29** The cost of a Temporary licence for 12<sup>th</sup> July or Saint Patrick's day is currently £165. Under this option it will be now be £807, an increase of £642.

**Additional Request from the Committee**

**Trading one Day a Week - Monday to Friday**

**3.30** Committee, at your meeting in January 2017, asked Officers to consider the fee for a permanent trader who has a Monday – Friday licence but only trades on one day during the week.

**3.31** It must be stated that the costs associated with processing the grant or renewal of the licence is the same whether it is used for one day or every day of the week. However, based on the original proposed fees of £1,500 (Mon-Fri) Members may wish to consider using a fifth of that cost and decide that a fee of £300 is set specifically for one day's trade. This fee can be set dependant on what Options above Committee agree on.

**Financial and Resource Implications**

**3.32** There are significant financial and resource implication associated with this report.

**3.33** The proposed Licence fees at option 3 are most likely to ensure the cost of the operational and administration processes are proportionate to the licensing scheme; particularly in relation to the costs for processing a grant or renewal of licence application.

**Equality or Good Relations Implications**

**3.34** The Council's Equality and Diversity Officer has been consulted and there are no issues with regards to the setting of fees.

**4.0 Documents Attached**

- Appendix 1 – Copy of the minute – January, 2017
- Appendix 2 – Overview of fee options

**Extract of Minutes**  
**Licensing Committee**  
**Wednesday, 18th January, 2017**

**Fees for Street Trading Licences**

The Committee agreed to defer until its next meeting a report in respect of proposed fees for Street Trading Licences to enable officers to provide additional information and to examine options for introducing the proposed fees on a phased basis over the term of a licence and for establishing a fee for a licence to cover one day only.

**This page is intentionally left blank**

## Appendix 2

	<b>Current</b>	<b>Option 1</b>	<b>Option 2</b>	<b>Option 3</b>
<b>STATIONARY LICENCE</b>				
Application Fee - <b>Non refundable</b>	£ 100	£ 430	£ 150	£ 617
Renewal Application Fee - <b>Non refundable</b>	£ 100	£ 340	£ 150	£ 523
Licensed for Monday to Friday	£ 629	£ 1,065	£ 940	£ 1,500
Licensed for Monday to Saturday	£ 800		£ 1,195	
Licensed for Monday to Sunday	£ 1,017	£ 1,085	£ 1,520	£ 1,570
Licensed for Saturday	£ 426		£ 635	
Licensed for Sunday	£ 472	£ 956	£ 705	£ 1,220
Licensed for Weekend*	£ 898	£ 956	£ 1,340	£ 1,350

<b>MOBILE LICENCE</b>				
Application Fee - <b>Non refundable</b>	£ 120	£ 430	£ 180	£ 617
Renewal Application Fee - <b>Non refundable</b>	£ 120	£ 340		£ 523
Licensed for Monday to Friday	£ 429	£ 1,065	£ 640	£ 1,500
Licensed for Monday to Saturday	£ 628		£ 940	
Licensed for Monday to Sunday	£ 882	£ 1,085	£ 1,315	£ 1,570
Licensed for Saturday	£ 199		£ 295	
Licensed for Sunday	£ 254	£ 956	£ 380	£ 1,220
Licensed for Weekend*	£ 453	£ 956	£ 675	£ 1,350

<b>TEMPORARY LICENCE</b>				
Application Fee - <b>Non refundable</b>	£ 120	£ 400	£ 180	£ 677
Licence Fee (for up to 7 days)	£ 211	£ 130	£ 316	£ 130
Licensed for Monday to Friday, per day	£ 26		£ 39	
Licensed for Saturday	£ 36		£ 54	
Licensed for Sunday or Public holiday	£ 45		£ 67	

<b>Variation of Licence Particulars</b>	£ 50	£ 315	£ 75	£ 440
---	------	-------	------	-------

\* Weekend fees do not currently exist, they were proposed as part of the fee structure. Under the old structure if a trader only wanted weekend trade, a Saturday Fee and a Sunday Fee would be combined.

**This page is intentionally left blank**



Mr. Boyd and Mr. Murray then provided clarification on a number of issues which had been raised by the Members, particularly, around the financial impact which the failure to have the Entertainments Licence renewed had had upon the company and the utilisation of the new area to date, and were thanked by the Chairperson.

The Chairperson then welcomed to the meeting two representatives of the Police Service of Northern Ireland, namely, Inspector J. Hughes and Constable S. O'Hare.

Constable O'Hare confirmed that he met with Mr. Boyd on a regular basis and that he had always been helpful in providing, for example, statements, evidence or CCTV footage. He provided information on the number of assaults and other incidents which had been recorded in and around Thompson's Garage in recent years, some of which were still ongoing, and highlighted the fact that, since Patterson's Place was linked for recording purposes with Donegall Square East and Upper Arthur Street, not all of those could be attributed directly to that venue.

Inspector Hughes informed the Committee that, in the opinion of the Police Service, the company had implemented all possible measures to address the issues which had been raised previously around door supervisors, including the use of body cameras and the provision of training and, on that basis, it could offer no objections to the renewal of the Entertainments Licence.

The representatives were thanked by the Chairperson for their contribution.

After discussion, the Committee agreed, in its capacity as Licensing Authority, to renew a Seven-Day Annual Indoor Entertainments Licence in respect of Thompson's Garage, 3 Patterson's Place, with a condition to be attached requiring the licensee to attend, as and when required, meetings with the Police Service of Northern Ireland, the Security Industry Authority and other relevant parties, to be facilitated by the Council, to discuss any issues arising from the operation of the premises.

### **Non-Delegated Matters**

#### **Fees for Street Trading Licences**

The Committee agreed to defer until its next meeting a report in respect of proposed fees for Street Trading Licences to allow for Members to give it further consideration and for officers to provide additional information, including the number of traders registered currently under each licence type.

Chairperson

**This page is intentionally left blank**

	Current	Option 1a	Option1b	Option 2	Option 3
<b>STATIONARY LICENCE</b>					
Application Fee - <b>Non refundable</b>	£ 100	£ 430	£ 430	£ 150	£ 617
Renewal Application Fee - <b>Non refundable</b>	£ 100	£ 340	£ 340	£ 150	£ 523
Licensed for Monday to Friday	£ 629	£ 1,065	£ 1,173	£ 940	£ 1,500
Licensed for Monday to Saturday	£ 800			£ 1,195	
Licensed for Monday to Sunday	£ 1017	£ 1,085	£ 1,218	£ 1,520	£ 1,570
Licensed for Saturday	£ 426			£ 635	
Licensed for Sunday	£ 472	£ 956	£ 1,260	£ 705	£ 1,220
Licensed for Weekend*	£ 898	£ 956	£ 1,240	£ 1,340	£ 1,350

	Current	Option 1a	Option1b	Option 2	Option 3
<b>MOBILE LICENCE</b>					
Application Fee - <b>Non refundable</b>	£ 120	£ 430	£ 430	£ 180	£ 617
Renewal Application Fee - <b>Non refundable</b>	£ 120	£ 340	£ 340		£ 523
Licensed for Monday to Friday	£ 429	£ 1,065	£ 1,173	£ 640	£ 1,500
Licensed for Monday to Saturday	£ 628			£ 940	
Licensed for Monday to Sunday	£ 882	£ 1,085	£ 1,218	£ 1,315	£ 1,570
Licensed for Saturday	£ 199			£ 295	
Licensed for Sunday	£ 254	£ 956	£ 1,260	£ 380	£ 1,220
Licensed for Weekend*	£ 453	£ 956	£ 1,240	£ 675	£ 1,350

	Current	Option 1a	Option1b	Option 2	Option 3
<b>TEMPORARY LICENCE</b>					
Application Fee - <b>Non refundable</b>	£ 120	£ 400	£ 400	£ 180	£ 677
Licence Fee (for up to 7 days)	£ 211	£ 130	£ 130	£ 316	£ 130
Licensed for Monday to Friday, per day	£ 26			£ 39	
Licensed for Saturday	£ 36			£ 54	
Licensed for Sunday or Public holiday	£ 45			£ 67	

<b>Variation of Licence Particulars</b>	£ 50	£ 315	£ 315	£ 75	£ 440
---	------	-------	-------	------	-------

\*Weekend fees do not currently exist, they were proposed as part of the fee structure. Under the old structure if a trader only wanted weekend trade, a Saturday Fee and a Sunday Fee would be combined.

**This page is intentionally left blank**



<b>Subject:</b>	<b>Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 – Road Closures for Special Events</b>
<b>Date:</b>	17th May, 2017
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

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

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

<b>1.0</b>	<b>Purpose of Report/Summary of main Issues</b>
1.1	The Committee was informed at your meeting in December 2016 that the Department for Infrastructure (“the Department”) had begun the legislative process to commence, on 1st January, 2017, those parts of The Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 (the Act) relevant to the holding of special events on roads.
1.2	The Department has since written to the Council advising that its introduction has been delayed until 4th September, 2017.
1.3	From that date, Councils will assume responsibility for dealing with requests to hold special events on all public roads apart from special roads (which are mainly motorways) for which the Department assumes responsibility.

<b>2.0</b>	<b>Recommendations</b>
2.1	The Committee is requested to note the contents of this report and that proposals will be presented at a future meeting regarding the Committee's role in determining applications for an Order to temporarily prohibit or restrict the use of public roads in connection with special events.
2.2	A report outlining fee charging options will also be presented at a future meeting for the Committee's consideration.
<b>3.0</b>	<b>Main Report</b>
	<b><u>Key Issues</u></b>
3.1	As previously reported, The Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 received Royal Assent on 13th August, 2010 but has yet to be commenced.
3.2	Currently, there is no statutory basis to close roads for special events. At the moment the PSNI close any road being used to hold an event, such as the Christmas Light Switch-on, but this has been done on the basis of their general powers for public safety and to protect the safety of road users.
3.3	The legislation will provide councils with the power to prohibit or restrict traffic using roads to facilitate special events taking place on roads.
3.4	The Act defines special events as any sporting event, social event, entertainment or the making of a film which is held on a public road.
3.5	From 4th September, 2017, a person wishing to close a public road for a special event will be required to apply to the Council and, after public notification and consultation with various statutory bodies including the PSNI and NIFRS and after receiving the consent of the Department, the Council will determine if a Road Closure Order is to be made.
3.6	The Department, through Transport NI, will still maintain responsibility for the closure of special roads, such as motorways and the Westlink.
3.7	Members may recall that the legislation was previously planned to commence in 2013. At a meeting of the Licensing Committee on 20th March, 2013, it was agreed that the Council be recommended to delegate authority to the Licensing Committee to determine all applications under the Act for an Order to temporarily prohibit or restrict the use of public roads in connection with special events.
3.8	The Committee also agreed that the need for the Committee to consider all applications be reviewed one year after the commencement of the Order; and that those provisions would come into operation upon publication of the Commencement Order for the Act.
3.9	The Committee also considered a report at the same meeting regarding proposed fees and charges for the Act but agreed to defer that until its next monthly meeting in order to consider the report and to enable further information to be obtained in relation to fees, council costs and the advertising costs for event organisers.
3.10	The recommendations of the Licensing Committee were subsequently adopted by Council at its meeting on 3rd April, 2013.

3.11	<p>However, in May 2013, the then Minister for Regional Development, who was responsible for introducing the Act, chose to defer commencing the Act until a later date.</p>
3.12	<p>The responsibility for administering the new legislation will include the following duties:</p> <ul style="list-style-type: none"> <li>• validating and processing applications.</li> <li>• publishing a Public Notice and consulting with the relevant agencies.</li> <li>• dealing with representations from interested parties.</li> <li>• preparing Road Closure Orders and ensuring appropriate road closure and diversion signage is in place.</li> </ul>
3.13	<p><b><u>Concerns and Impact</u></b></p> <p>Whilst the introduction of this new power for local government is welcomed, there are a number of significant tasks which need to be completed without any additional resources currently being available:</p> <ul style="list-style-type: none"> <li>• a need to review the potential financial liabilities and costs associated with this power, including the support currently provided by PSNI (at no cost) for policing and securing these events. It is understood that this may incur costs in the future.</li> <li>• a need to review and assess the advertisement costs of notices under the Act.</li> <li>• a need to review both the Licensing Committee Standing Orders and the Scheme of Delegation to allow for the new provisions.</li> <li>• a need to review and agree appropriate and acceptable fee levels with Members for recovering costs from organisers of events.</li> </ul>
3.14	<p>The introduction of the new legislation will also create an additional workload for the Service. It is difficult to quantify numbers at this stage, however events such as St Patrick's Day Celebrations, Belfast Marathon, Culture Night and Christmas Light Switch-on, film recordings and any special commemoration events, will require road closures.</p>
	<p><b><u>Financial and Resource Implications</u></b></p>
3.15	<p>There will be direct financial costs attached to the administration of the new legislation and, whilst such costs may be recovered from applicants, decisions in relation to the extent of public notification required and the fee charging option chosen will determine the actual financial implication.</p>
3.16	<p>We have not had the opportunity to factor the role and costs of administrating this legislation into our budget for the financial year 2017–2018.</p>
	<p><b><u>Equality or Good Relations Implications</u></b></p>
3.17	<p>The implementation of the Act will be subject to an equality impact assessment to identify any equality issues and we will work with the Council's Equality and Diversity Officer to ensure all potential issues are appropriately addressed.</p>
<b>4.0</b>	<b>Documents Attached</b>
	None

**This page is intentionally left blank**