Public Document Pack

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



9th February, 2018

MEETING OF LICENSING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room - City Hall on Wednesday, 14th February, 2018 at 5.00 p.m., for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

AGENDA:

- Routine Matters
 - (a) Apologies
 - (b) Minutes
 - (c) Declarations of Interest
- 2. Delegated Matters
 - (a) Licences and Permits issued under Delegated Authority (Pages 1 4)
 - (b) Applications for the Renewal of Annual Indoor Entertainments Licences with Previous Convictions Dundela Football Athletic and Social Club / The Spaniard (Pages 5 18)
 - (c) Application for the Grant of an Annual Indoor Entertainments Licence with Previous Convictions Nu Delhi Lounge, 25-27 Bruce Street (Pages 19 30)
 - (d) Application for the Transfer and Renewal of an Annual Indoor Entertainments Licence The Great Eastern Bar, 273 Newtownards Road (Pages 31 34)
 - (e) Consideration of a Designating Resolution for a Street Trading Site Cupar Way (Pages 35 46)

- 3. Non-Delegated Matters
 - (a) Road Closure Categorisation of Events, Fees and Advertising of Notices (Pages 47 60)

Agenda Item 2a

LICENSING COMMITTEE



Sub	ject:	Licences and Permits Issued Under Delegated Authority		
Date	e:	14th February, 2018		
Rep	orting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435		
Con	tact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6	6446	
Rest	tricted Reports			
Is th	is report restricted	d? Yes	No	X
	If Yes, when will	I the report become unrestricted?		
		mittee Decision		
		e in the future		
	Never			
Call	-in			
ls th	e decision eligible	e for Call-in?	No	X
1.0	Purpose of Repo	ort/Summary of main Issues		
1.1	for exercising all excluding provisi	ne of Delegation, the Director of Planning and Building Control is powers in relation to the issue, but not refusal, of permits arions relating to the issue of Entertainments Licences whe ave been made. Those applications which were dealt with under	nd lice re ac	ences, Iverse
2.0	Recommendation	n		
2.1	The Committee is of Delegation.	requested to note the applications which have been issued under	the So	cheme
	I			

3.0 Main Report

Key Issues

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:

Premises and Location	Type of Application	Hours Licensed	Applicant
39 Gordon Street 2-16 Dunbar Street, Belfast, BT1 2LH	Renewal	Sun: 12.30 - 03.00 Mon - Sat: 11.30 - 03.00	Newgate Inns Limited
Apartment 2-6 Donegall Square West, Belfast, BT1 6JA	Renewal	Sun - Sat: 07.00 - 03.00	Eagle-Glen Limited
Aras Mhic Reachtain 283-289 Antrim Road, Belfast, BT15 2GZ	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr. Ferdia Carson
Ballynafeigh Apprentice Boys Flute Band 1-5 Walmer Street, Belfast, BT7 3EA	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Stephen Biggerstaff
Bloomfield Collegiate School, Astoria Gardens, Upper Newtownards Road, Belfast, BT5 6HW	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr. Darrin Barr
Crumlin Road Gaol, Visitor Attraction & Conference Centre, 53-55 Crumlin Rd, Belfast, BT14 6ST	Renewal & Variation	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr. Phelim Devlin
East Belfast Network Centre, 55 Templemore Avenue, Belfast, BT5 4FP	Renewal	Sun - Sat: 08.00 - 01.00	Templemore Avenue School Trust
Eastside Visitor Centre 402 Newtownards Road, Belfast	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Avec Solutions
Girdwood Community Hub 10 Girdwood Avenue, Belfast	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Greenwich Leisure Limited
Gort Na Mona GAC Upper Springfield Road, Belfast, BT12 7QX	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Gerard Fleming
House 59-65 Botanic Avenue, Belfast, BT7 1JJ.	Renewal	Sun: 11.30 - 03.00 Mon - Thur: 11.30 - 01.00 Fri - Sat: 11.30 - 03.00	Botanic Way Limited
Queen's Cafe Bar 4-6 Queen's Arcade, Donegall Place, Belfast, BT1 5FF	Renewal and Transfer	Sun: 12.30 - 03.00 Mon - Sat: 11.30 - 03.00	JAR (IRE) Limited
McCracken's Cafe Bar 4 Joys Entry, Belfast, BT1 4DR	Transfer	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 03.00	JAR (IRE) Limited
Morton Community Centre Lorne Street, Belfast, BT9 7DU.	Renewal	Sun - Sat: 08.00 - 01.00	Belfast City Council
Ormeau Park Bowling Pavilion, Ormeau Road, Belfast	Renewal	Sun - Sat: 08.00 - 01.00	Belfast City Council

Premises and Location	Type of Application	Hours Licensed	Applicant
Odyssey Bowl Unit 2, Odyssey Pavilion, 2 Queens Quay, Belfast, BT3 9QQ	Renewal and Transfer	Sun - Sat: 08.00 - 01.00	Matagorda3 Limited
Lansdowne Hotel 657 Antrim Road, Belfast, BT15 4EF	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Ms. Jackie Kirkpatrick-Stagg
The SSE Arena (Indoor) 2 Queens Quay, Belfast, BT3 9QQ	Renewal	Sun - Sat: 08.00 - 05.00	The Odyssey Trust Company
The SSE Arena (Outdoor) 2 Queens Quay, Belfast, BT3 9QQ	Renewal	Sun - Sat: 11.30 - 23.00	The Odyssey Trust Company
St Finnian's Church Hall Cregagh Park, Belfast, BT6 9QH	Renewal	Sun - Sat: 10.00 - 23.30	Mr. Norman Halliday
The Five Points 44 Dublin Road, Belfast, BT2 7HN	Renewal	Sun - Fri: 11.00 - 03.00 Sat: 12.30 - 03.00	Corick Facilities Management Limited
The Fort Bar 25-27 Springfield Road, Belfast, BT12 7AB	Grant	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	McCartan and Sons
Ulster Sports Club 96-98 High Street, Belfast, BT1 2BG	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Stephen Watson
Ulster University York Street, Belfast, BT15 3HE	Renewal	Sun - Sat: 08.00 - 01.00	Mr. Patrick Donnelly

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

Premises and Location	Type of Application	Commodity	Hours Licensed	Applicant
Donegall Square East at Santander	Stationary	Hot food and non-alcoholic beverages	Mon – Sun: 23.00 – 04.00	Mr Peter Brady
Twinbrook and Poleglass	Mobile	Confectionery, groceries, non-alcoholic beverages and tobacco products	Mon – Sun: 14.00 – 22.00	Mr Nicholas Rules
Duncrue Link, 45ft from junction with Duncrue Road	Stationary	Hot food and non-alcoholic beverages	Mon – Fri: 08.00 – 16.00	Mr Brian Firth

Financial and Resource Implications

3.3 None

Equality or Good Relations Implications

3.4 There are no equality and good relations issues.

4.0	Documents Attached
	None

Agenda Item 2b



LICENSING COMMITTEE

Subjec	et:	Applications for the Renewal of Annual Indo Licences with Previous Convictions – Dundela Fo Social Club / The Spaniard			
Date:	Date: 14th February, 2018				
Report	ing Officer:	Stephen Hewitt, Building Control Manager, ext. 2435			
Contac	ct Officer:	Patrick Cunningham, Assistant Building Control Manaç	ger, ext. 64	46	
Restric	ted Reports				
Is this	report restricted	d? Yes	s	o X	
If	Yes, when will	the report become unrestricted?			
		nittee Decision			
		cil Decision in the future			
	Never	in the luture			
Call-in					
Is the c	lecision eligible	for Call-in? Yes	s N	No X	
1.0	Durnage of Do	port/Summary of Main Issues			
	•	•			
1.1		plications for Entertainments Licences where the applicar ander the Local Government Miscellaneous Provisions			
	Order) within th	e previous five years.	,	`	
2.0	Recommendations				
2.1	Taking into acc and to:	ount the information presented, you are required to cons	sider the ap	plications	
	2. should applicat	the applications, or you be of a mind to refuse any of the applications ions with additional special conditions, an opportunity of being heard by the Committee must be given to the appl	appearing		

	Main Report				
	Key Issues				
	Members are reminded applications which are provided for in the Court	not the subject	of objections i		
However, as each applicant has been found guilty of committing a of the application for a licence being submitted to the Council, you the following applications.					
	Premises and Location	Applicant	Application Type	Offence Details	Date of Conviction and Penalty
	Dundela Football Athletic & Social Club Wilgar Street Belfast BT4 3BL	Susan Gilmore (Secretary) Jack Majury prosecuted	Renewal	24 November 2012 Overcrowding Obstructed Emergency Exit Route	23 July 2013 £400 and £69 Court costs
	The Spaniard 3 Skipper Street Belfast BT1 2DZ	Janine Kane JK Pubs Limited	Renewal	Entertainment taking place in an area of the premises not covered by the Entertainments Licence	11 August 201 £150 and £69 Court costs
	Notwithstanding the po- the Council may refuse of an offence under the	an application o			
	Application History				
	Previous applications for the aforementioned premises were considered by the Committee				

Dundela Football Athletic and Social Club

This is the fifth and last time the Committee

3.5

This is the fifth and last time the Committee will have to consider an application from the applicant since the conviction on 23rd July, 2013.

Previous renewal applications for the premises were brought before the Committee on 19th

3.6 February 2014, 21st January 2015, 15th June 2016 and 15th February 2017 and, after consideration, you agreed to renew the licence on each occasion. Since the licence was renewed, the premises have been subject to one during performance 3.7 inspection as well as the recent renewal inspection to ensure that there has been no recurrence of these or any other safety issues. Officers can confirm that management procedures are being implemented effectively. The Spaniard This is the third time an application for the premises has been considered since the applicant 3.9 was convicted on 11th August 2015. Previous renewal applications for the premises were brought before the Committee on 20th 3.10 January 2016 and 19th April 2017 and, after consideration, you agreed to renew the licence on each occasion. Since the licence was renewed the premises have been subject to one during performance 3.11 inspection as well as the recent renewal inspection to ensure that there has been no recurrence of these or any other safety issues. Officers can confirm that management procedures are being implemented effectively. Representations Public notice of the applications has been placed and no written representations have been 3.12 lodged as a result of the advertisements. **PSNI** The PSNI has been consulted and has confirmed that it has no objections to the applications. 3.13 A copy of its correspondence is attached at Appendix 1. **NIFRS** The Northern Ireland Fire Rescue Service has been consulted in relation to each of the 3.14 applications and has confirmed that it has no objections. **Applicants** The applicants and/or their representatives will be available at your meeting to answer any 3.15 queries you may have in relation to their applications. Copies of the respective application forms for the premises are attached at Appendix 2. **Financial and Resource Implications** Officers carry out during performance inspections on premises providing entertainment which 3.16 is catered for within existing budgets. **Equality and Good Relations Implications** There are no equality or good relations issues associated with this report. 3.17 4.0 **Documents Attached** Appendix 1 – PSNI Correspondence Appendix 2 – Application Forms



BijytkrietLecafi phoagraphe(s) Actf (Plantifleon Shelhandhi) 2614.

Document is Restricted



Agenda Item 2c

LICENSING COMMITTEE

Application for the Grant of an Annual Indoor Entertainments Licence



Cubje		with Previous Cor	nvictions - Nu Delhi	Lounge, 25-27 Bruce Street		
Date:		14th February, 201	8			
Repoi	Reporting Officer: Stephen Hewitt, Building Control Manager, ext. 2435					
Conta	act Officer:	Patrick Cunningha	m, Assistant Building	Control Manager, ext. 6446		
Restri	cted Reports					
Is this	report restricted	d?		Yes No X		
	lf Yes, when will	the report become	unrestricted?			
	After Comp	nittee Decision				
		cil Decision				
		in the future				
	Never	iii tiie iuture				
	Nevei					
Call-in	1					
Is the	decision eligible	for Call-in?		Yes No X		
1.0	Purpose of Rep	oort/Summary of Ma	ain Issues			
1.1	1985 (the Orde		ishes to refuse an	Aiscellaneous Provisions (NI) Order Entertainments Licence where the		
	Premises Nu Delhi L 25-27 Bru Belfast, B	ce Street,	Ref. No. WK/201701386	Applicant Mr. Nazim Din 25-27 Bruce Street, Belfast, BT2 7JD		
1.2	the option, as pro immediately afte	ovided for in the Order a licence holder o	er, to refuse an applic r applicant has been	nuary 2017, you agreed to consider ration for an Entertainments Licence convicted of an offence within the the application was made.		

- 1.3 For current licensees, this means that, as soon as an applicant is convicted of an offence, rather than when their licence falls due for renewal, the licence holder will be invited to appear before Committee and convince Members as to why their licence should not be revoked.
- This has the benefit that, regardless of any Court penalty, Members have the opportunity to impress upon the applicant the severity of their offence and to seek assurances in relation to the future management of the premises. Conditions cannot be attached to an existing licence, however, undertakings could be sought from a licensee in terms of additional controls in relation to the premises; compliance of the undertaking would be a relevant consideration to their fitness in any future renewal application.
- As a result of previous convictions, this applicant is now required to appear before Committee and make representations as to why their application for an Entertainments Licence should not be refused.

2.0 Recommendations

- Taking into account the information presented and any representations received, you are required to consider the application in light of the legal proceedings and determine whether you wish to refuse to grant an Entertainments Licence on the grounds that the applicant has been convicted of offences under the Order.
- 2.2 If Members are satisfied that the application should not be refused you are then required to either:
 - 1. approve the application for the grant of the Seven-Day Annual Entertainments Licence, or
 - **2.** approve the application for the grant of the Seven-Day Annual Entertainments Licence with special conditions.
- 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 County Court. The applicant may also appeal any special conditions attached to the Entertainments Licence outlined at point 2 above.

3.0 Main Report

Key Issues

- The matter is being placed before Committee because the applicant, Mr. Nazim Din, was convicted on 15th August 2017 at Belfast Magistrates' Court of offences under the Order of providing entertainment at Nu Delhi Lounge on 17th December 2016 and 1st April 2017, without an Entertainments Licence
- 3.2 As a result, Mr. Din was fined a total of £400 (£200 for each offence) and ordered to pay court costs of £73.
- Following each of the offences, officers met with Mr. Din to explain our application process and stressed that entertainment was not permitted on the premises until a valid Entertainments Licence was granted. Despite previous applications being made and outstanding information then being requested, the applications were never completed.
- 3.4 Members are advised that the premises were previously licensed until 28 February 2011 under the control of a different licensee.

Premises

- 3.5 Currently, the premises operate as a restaurant with a bar facility. The applicant has applied to provide entertainment on the first floor. Officers have worked with him and agreed an occupancy of 150 persons for the area.
- 3.6 A copy of the application form is attached at Appendix 1.
- 3.7 The applicant has applied for entertainment to be provided during the following days and hours:
 - Monday to Saturday: 11.30 p.m. to 1.00 a.m. and
 - Sunday: 12.30 pm to Midnight
- 3.8 A location map is attached at Appendix 2.

Representations

Public notice of the application has been placed and no written representations have been lodged as a result of the advertisement.

PSNI

3.10 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.

Health, Safety and Welfare Inspections

3.11 Officers have met with the applicant following the offences to discuss how the premises should be managed. At these meetings, officers have provided advice on fire safety procedures and measures that should be in place for safe evacuation in an emergency situation.

NIFRS

3.12 The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and has confirmed that it has no objection.

Noise Issues

The Environmental Protection Unit (EPU) has been consulted in relation to the application and they have confirmed that, due to the location, they have no concerns with regards to noise nuisance from the premises. No complaints have ever been received relating to noise break out from the premises or due to patron dispersal.

Applicant

- 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 which has been adopted in order to give Members the opportunity to seek assurances as to why their application for an Entertainments Licence should not be refused.
- 3.15 The applicant has been invited to attend your meeting to answer any queries you may have in relation to the future management of the premises.

3.16	Members can attach conditions to this licence relevant to the provision of entertainment. In addition to this, any undertakings which are provided by the applicant to Committee, whilst they may not be possible to attach as conditions to the licence as they fall out with the 'provision of entertainment' per se, compliance with any such undertakings would be relevant to his fitness in any future renewal application.
	Financial and Resource Implications
3.17	Officers carry out during performance inspections on premises providing entertainment which is catered for within existing budgets.
	Equality and Good Relations Implications
3.18	There are no equality or good relations issues associated with this report.
4.0	Documents Attached
	Appendix 1 – Application Form
	Appendix 2 – Location Map
	Appendix 3 – PSNI Correspondence

BijytkrietLecafi phoagraphe(s) Actf (Plantifleon Shelhandhi) 2614.

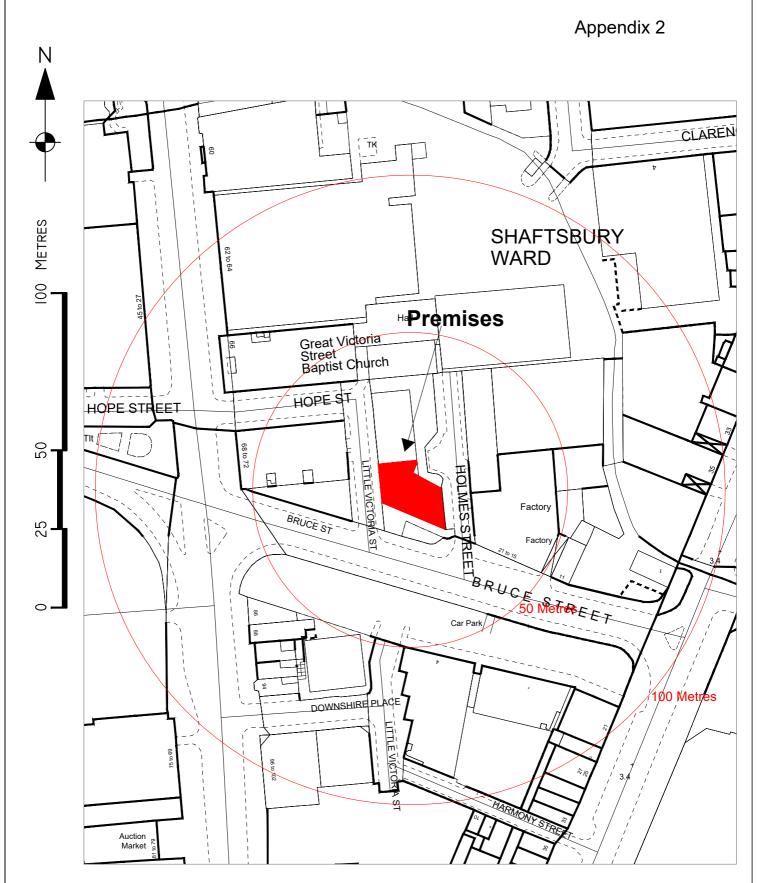
Document is Restricted





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



DATE 08/02/2018

Page 27
Nu Delhi Lounge
25 Bruce Street

1:1250



BijthietLeczii paragraphes) Acti (Rentheon Schendi) 2614.

Document is Restricted



Agenda Item 2d

LICENSING COMMITTEE



Subjec	et:		Licence - The Gre				
Date:	Date: 14th February, 2018						
Report	ting Officer:	Stephen Hewitt, E	Building Control Mar	nager, ext. 2435			
Contac	ct Officer:	Patrick Cunningha	am, Assistant Buildi	ng Control Manage	er, ext. 64	46	
Restric	ted Reports						
Is this	report restricted	1?		Yes	N	0	X
If	f Yes, when will	the report becom	e unrestricted?				
	After Comr	nittee Decision					
		cil Decision					
	Some time Never	in the future					
Call-in							
Is the c	decision eligible	for Call-in?		Yes		No	X
1.0	Purnose of Re	port/Summary of	Main Issues				
	T dipose of ite						
1.1		•	transfer and reneve eat Eastern Bar whe		•		
	Premise	s and Locations	Ref. Nos.	Applicant			
	273 New	at Eastern Bar rtownards Road BT4 1AF	WK/201701104 WK/201700079	Mr. Stephen Tow The Great Easter 273 Newtownard Belfast, BT4 1AF	n Bar s Road		
1.2	An Entertainme	ents Licence has be	een in place for the p	oremises since 199	8.		

2.0	Recommendations
2.1	The current policy, laid down as a mandatory condition in the Local Government (Miscellaneous Provisions) (NI) Order 1985 (the Order), is that, where representation has been made by the PSNI, the Committee must have regard to it.
2.2	You are, therefore, required to receive the PSNI, the applicant, and/or their representatives at a future meeting and, after having received their submissions, make a recommendation regarding the application.
3.0	Main Report
	Key Issues
3.1	The Council has received an application to transfer and renew the Entertainments Licence for The Great Eastern Bar, 273 Newtownards Road from Mr. Alan Irvine to Mr. Stephen Townsley.
3.2	Written representation objecting to the applications has been received from the PSNI.
3.3	The nature of the objection relates to concerns regarding the operation of the premises outside of their permitted hours and other liquor licensing matters.
3.4	We have written to the area Chief Inspector requesting further information regarding the nature of their objection.
3.5	A copy of the PSNI's letter is attached.
	Financial and Resource Implications
3.6	None.
	Equality or Good Relations Implications
3.7	None.
4.0	Document Attached
	PSNI Letter of objection

BijthietLeczii paragraphes) Acti (Rentheon Schendi) 2614.

Document is Restricted



Agenda Item 2e

LICENSING COMMITTEE



Subjec	t:	Consideration of a Designating Resolution for a Cupar Way	Street Trading Site -
Date:		14th February, 2018	
Report	ing Officer:	Stephen Hewitt, Building Control Manager, Ext 2435	5
Contac	t Officer:	Patrick Cunningham, Assistant Building Control Man	nager, Ext 6446
Restric	ted Reports		
Is this	report restricted	? Ye	es No X
If	f Yes, when will t	he report become unrestricted?	
	After Comm	ittee Decision	
	After Counc		
	Sometime in		
	Never		
Call-in			
Is the c	decision eligible	for Call-in? Ye	es No X
1.0	Purpose of Rep	ort/Summary of Main Issues	
1.1	I	will recall that, at its meeting on 13th Decembe signating Resolutions for a number of Street Trading	
1.2	I	deferred some of these proposals to allow for additithose proposals related to Cupar Way and further infosideration.	
2.0	Recommendati	ons	
2.1	Based on the in and to decide wh	formation presented, the Committee is requested to nether to:	consider the proposal

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

3.0 Main Report

Key Issues

- 3.1 The designation process involved seeking comments from interested parties, including relevant statutory bodies, through public advertisement and consultation.
- 3.2 The Street Trading Act (NI) 2001 requires the Council to ensure that each application is fairly and objectively assessed, that all relevant factors are considered and, in doing so, the Council must consult with the:
 - b) PSNI, and
 - c) Department for Infrastructure Roads.
- 3.3 The Council may also consult other persons as it considers appropriate. Such consultees may include:
 - a) Relevant Belfast City Council Departments.
 - b) Belfast City Centre Management Company (BCCM)
 - c) Nearby Street Trading Licence holders who may be affected.
 - d) Local residents, business and commercial premises in the vicinity of the site in respect of which the application has been received.
- 3.4 The Service has received responses to the application from a variety of interested parties and individuals.
- 3.5 Members are advised that BCCM conducts its business within a determined geographical area of Belfast City Centre and has therefore not responded to this proposal.
- 3.6 Copies of the responses are attached.

A map and photographs of the proposed site along Cupar Way will be presented at your meeting.

Cupar Way

- The proposal is for tourist souvenirs or similar commodities on a site which will operate during the day. No details have been provided regarding how the commodities will be sold, such as a stall, etc.
- The proposed site is opposite the Peace Wall, operating in front of the perimeter fence bounding Cranmore Court and Cranmore Street.

PSNI

3.10 No objection.

DFI Roads

The Department has advised that this part of the footway is quite narrow because of the placement of street trees. They recommend that the street trading pitch would need to be away from these trees to provide a minimum 1.8m passing room for pedestrians.

Visit Belfast

- 3.12 Visit Belfast have stated that they believe the application needs further discussion with the communities. They also recommend that feedback would be required from Fáilte Feirste Thiar and Greater Shankill Partnership.
- 3.13 Following Visit Belfast's recommendation, we contacted both Fáilte Feirste Thiar and Greater Shankill Partnership for their views.

Published 28-day Notice

3.14 No responses were received to the notice.

Deferred Actions

- 3.15 The Committee deferred consideration to allow for responses to be sought from Fáilte Feirste and the Greater Shankill Partnership and to seek the views of Coiste and the Ex-Prisoners Interpretative Centre (EPIC), both of which provide cultural tours in that area.
- 3.16 Despite further efforts to obtain feedback at the time of writing this report only one response has been received from these organisations.

EPIC

- 3.17 EPIC has stated that it agrees with the proposal to have a designated pitch for trading located on Cupar Way. EPIC has conducted tours for many years that include this area and it would be beneficial to have some further tourist revenue invested for the benefit of the local area.
- 3.18 EPIC have recently formed a partnership with Twaddell and Woodvale Residents Association (TWRA) and established a Community Interest Company (CIC), "The Belfast Experience"; the objective being to further the range of services provided in community tourism and encourage wider community involvement.

	Financial and Resource Implications
3.19	The cost of all notices is included in current revenue budgets. The required notice to confirm the designation will cost approximately £5,000 as our policy states that it must be placed in three newspapers for two consecutive weeks.
	Equality or Good Relations Implications
3.20	There are no equality or good relations issues.
4.0	Document Attached
	Copies of correspondences received

BijthietLeczii paragraphes) Acti (Rentheon Schendi) 2614.

Document is Restricted



Agenda Item 3a

LICENSING COMMITTEE

Road Closure - Categorisation of Events, Fees and Advertising of



Subjec	t:	Notices				
Date:		14th February, 2018				
Report	ing Officer:	Stephen Hewitt, Build	ing Control Manager	r, Ext. 2435		
Contac	t Officer:	Patrick Cunningham,	Assistant Building C	ontrol Manage	er, Ext. 6446	
Restric	ted Reports					
Is this	report restricted	1?		Yes	No	X
If	Yes, when will	the report become ur	restricted?			
	After Comm	nittee Decision				
		cil Decision				
	Some time Never	in the future				
	Nevei					
Call-in						
Is the d	lecision eligible	for Call-in?		Yes	X No	
1.0	Durnage of Do	nort/Cummon, of Moi	n laguag			
	•	port/Summary of Mai				
1.1	Council to recov	iscellaneous Provision ver the whole of the cos g or prohibiting traffic u	ts incurred in connec	tion with makir	ng an Órder r	
1.2		sked to determine a so placing the legal notic	•	•		
2.0	Recommendat	ions				
2.1		asked to consider the necessary amendments		ed and make	recommend	lations,
	1. whether a	fee scheme based on	indicative notional co	osts should be	established	•

- 2. the categories and definition of events for which fees will be charged will be those as set out in paragraphs 3.10 3.12;
- 3. the appropriate paper(s) that may be used to advertise an application for an order;
- 4. the appropriate fees that are set for events; and,
- 5. if a concessionary fee should be introduced in respect of voluntary organisations or charities and the level of that fee.
- 2.2 As these decisions are not a delegated function of the Licensing Committee, any decision will be subject to ratification by Council.

3.0 Main Report

Key Issues

- 3.1 The Council is permitted to recover the whole of the costs incurred in connection with or in consequence of making an Order relating to the restricting or prohibiting of traffic using a road for the holding of special events.
- 3.2 These costs may include:
 - 1. Officer time for tasks including:
 - a. assessing information relating to the application
 - b. consultation with all relevant parties
 - c. dealing with representations
 - d. drafting the Order
 - e. on-costs such as office accommodation, IT, stationary, training, etc.
 - 2. The cost of placing the advertisement in a local paper.
 - 3. Any other relevant costs associated with the Order.
- 3.3 There will be other costs which the applicant may be required to meet including:
 - Dfl Roads and PSNI costs
 - Traffic management planning
 - Erecting signage, cones and barriers, etc.
 - Insurance
- Further to Party Briefings that took place during September and October 2017, the views of Members have been reflected in the following proposals to assist Committee with your decision making.

SOLACE Working Group

- 3.5 SOLACE, the umbrella body for the 11 District Council Chief Executives, established a working group to consider how the regulation of Road Closures could be implemented. The Group reviewed a number of key issues but, in particular, considered the setting of fees and how they are charged.
- In considering fees, the SOLACE Working Group was mindful of the potential that the level of fees may deter some event organisers / film producers and be prohibitive to communities wanting to run small scale events such as a street party.

- 3.7 The SOLACE Working Group recommended that applications fall into two categories as defined below and also suggested the fees to be charged for those categories.
- 3.8 Whilst there has been agreement in relation to the categories of events the setting of fees has been a matter, for those who have considered them, which each council has been keen to determine individually.
- The legislation enables the Council to recover any costs incurred in dealing with an application from event organisers and film companies. This is discretionary and any decision taken by the Council in terms of recovering costs may be influenced by the nature of an event.

SOLACE Recommendation on Categories of Events

Small Local Events

- 3.10 The event is a small, local, neighbourhood event where people attending are not from outside the street (e.g. street party) or immediate neighbourhood.
- 3.11 In order to be considered a 'small event', the event should meet the following criteria:
 - 1. be held on minor residential roads (e.g. cul-de-sacs or side streets);
 - 2. the proposed road to be closed must not have a bus route along it;
 - 3. the proposed road to be closed must not have a car park located on it which is accessed via the road to be closed (other than a car park for residents of the road);
 - 4. the event must not be publicised for the general public and therefore will not draw in people from the wider area;
 - 5. the event should apply to residents of one or two streets only and not to larger areas of the district/borough/city. It is up to the Council to consider factors such as the proposed attendance figures, etc. when making its decision on whether to grant an Order.
 - 6. the event should finish by 11.00 p.m. and:
 - a. Not have a stage built from which entertainment would be provided
 - b. Not have amplified entertainment which may cause nuisance to the wider area
 - c. Not have fireworks, pyrotechnics or bonfires on the street
 - d. Not have alcohol or food **sold** at the event.

Large Event

3.12 If the event does not meet the above criteria, then the event will be considered to be a large event.

Estimated Costs

- 3.13 The SOLACE working group estimated the following costs were associated with an application (averaging times for both small and larger events):
 - a) Estimated time spent for processing application
 - 5 hours' professional officer (@ £25 per hour)
 - 2 hours' administration officer (@ £18 per hour)

Total 7 hours processing time; Approximate cost £165

b) Estimated advertising fees (dependent on council advertising policy) Approximately £150-£250

SOLACE working group proposed application fees

Small local event

Proposal is to waive any administration cost but the applicant would be required to pay the newspaper advertising cost (as set on an individual council basis) of approximately £150 - £250.

Large event

For large events, including filming on the road, the proposed fee will include an application fee of £165 plus the cost of the newspaper advertising of approximately £150- £250.

Belfast City Council proposals

- 3.16 Following the Party Briefings there was general consensus that the SOLACE approach of classifying events into two categories of small local events and large events was acceptable.
- 3.17 It was also accepted that, rather than have a fee scheme where recovery of costs is calculated following every individual event, fees should be based on indicative notional costs which will be sufficient, on aggregate, to cover any reasonable costs associated with administering the Act.

<u>Fees</u>

- 3.18 The estimated cost of officer time involved in processing notional applications for small scale and large events is set out below. A breakdown of the administration costs is attached at Appendix 1.
- 3.19 Costs are based on current salary and employee on-costs and an estimate of the amount of time necessary, based on experience of dealing with other types of licensing applications, to complete the process to make an Order for:

A large event £460 A small local event £220

3.20 These costs do not include the mandatory publishing of a notice of the application by the Council in a local paper.

Publication of a Legal Notice

- 3.21 The Act requires that the Council must publish a notice in at least one local newspaper circulating in the district and that representations may be made in writing to any application for an Order to close a road for a special event.
- 3.22 Members will be aware that the Council has brand guidelines which apply to any advert or notice placed in the press to portray an instantly recognisable visual image for the organisation.

- Following these guidelines, a notice, drafted in accordance with the requirements of the Act, was prepared by Corporate Communications and estimated publication costs sought from various Belfast newspapers.
- 3.24 The costs are detailed below and based on an 18 x 2 notice.

Newspaper	Cost	Ave. cost*
Belfast Telegraph	£896.83	
Irish News	£593.28	£573
Newsletter	£513.36	£573
Daily Mirror	£288.36	
Andersonstown News	£270.00	
North Belfast News	£187.20	0.400
South Belfast News	£187.20	£199
East Belfast and Shankill Mirror	£151.20	
Belfast Gazette	£150.00	n/a

- * Utilising an average advert cost will mean that we can set a standard application fee to cover officer time and advertising costs.
- 3.25 It should be noted that the advertising costs in Belfast are generally higher than those suggested by the SOLACE working group.
- Presently, the Council has no formal agreed policy on advertising. In most cases notices are placed in two of the three main papers, on a rotational basis, to ensure that all sections of the community are informed. On that basis the average cost of publishing notice of the application would be approximately £1,150.
- Taking officer time with advertising costs the estimated total cost to the Council to process an application to close a road would therefore be:

A large event	£1,610
A community based / small scale event	£1,370

- During the Party Briefings, there was unanimous agreement on minimising the cost to applicants regarding our requirement to publish a notice in the newspaper and a number of Parties were supportive of the notice being published in the Belfast Gazette.
- 3.29 The Belfast Gazette is an official newspaper of the UK government and is published by The Stationery Office (TSO) and includes official government related notices. It available only via a subscription.
- 3.30 Further to the Party Briefings, Legal Services has advised that The Belfast Gazette is not considered a 'local newspaper circulating in the district' as per the legislative requirements and the use of same does not adequately fulfil the Council's obligation to notify those who may be affected by the road closure thus has the potential to leave the Council open to challenge from persons affected.
- In light of the legal advice, the Committee may wish to consider adopting the same procedures currently agreed for Entertainments Licence advertising and publish the notice in a local newspaper distributed or sold in the area where the special event is being held. Alternatively, if the special event is being held within the City Centre, then the notice will be advertised in either the Belfast Telegraph, Daily Mirror (Northern Ireland Edition), Irish News or Newsletter (Ulster Edition) on a rotational basis as each new application is received.

- Where a special event extends beyond the City Centre to various areas of the City, such as the Belfast Marathon, then it is proposed that the advert is placed in one of the four main newspapers. These proposals would be regardless of the notice being for a large or small event.
- To help heighten awareness about any proposed road closure, the notice will also be published on the Council's website which will benefit from being available over a longer period of time and to a wider audience.
- To ensure Members are kept informed, it is also proposed to notify all Councillors directly of any application to close a road for a special event so that your views may be taken into account prior to making an Order.
- Additionally, anyone who applies to close a road will be required to demonstrate that they have notified those in the vicinity regarding the road closure. This should ensure that the views of those most affected by the closure are also taken into account.
- 3.36 If the Committee agrees to adopt the same procedures currently used for Entertainments Licensing the overall costs would then be:

Newspaper	Average* Advert cost	Fee** for Large event	Fee** for Small event	Location of event
Belfast Telegraph				
Irish News Newsletter	£573	£1000	£800	City centre
				City certife
Daily Mirror				
Andersonstown News				
North Belfast News	£199	£650	£400	Outside city
South Belfast News	199	2000	2400	centre
East Belfast and Shankill Mirror				

^{*} Utilising an average advert cost will mean that we can set a standard application fee to cover officer time and advertising costs.

- 3.37 However, if Members are concerned that the above proposals do not adequately fulfil the Council's obligation to notify those who may be affected by a road closure for a large event then an alternative proposal for the placing of a public notice to consider would be that for:
 - A large event, advertising would be undertaken in accordance with paragraph 3.26 and that this cost will be borne by the applicant as reflected in the proposed fee at 3.27; and
 - A small event, the notice will be published in a local newspaper which is sold or distributed in the area where the road is situated or in 1 of the main papers if held in the City centre.

Concessionary fees

3.38 Through the Party Briefings concerns were raised about the impact the Act would have on organisers of community based/small scale events who have limited resources and often rely on small levels of Council funding to assist with the holding of their events.

^{**} Fees have been rounded for convenience.

- In setting the fees in respect of Entertainments Licence applications, the then Department of the Environment had determined that any application for an outdoor licence by a voluntary organisations or charity would benefit from a reduced fee equivalent to 12.5% of the total standard application fee.
- 3.40 A voluntary organisation is defined as an organisation carrying on activities other than for the purpose of gain by the organisation or individual members thereof.
- 3.41 Members may wish to consider setting a similarly reduced fee for voluntary organisations or charities applying for an Order to restrict the use of or close a road for a small scale event.
- 3.42 If Committee were to agree to this concession then, based on the proposed fees at 3.37, the suggested fee for a small event would then be:

Newspaper	Average* Advert cost	Small event total	Concession fee for small events	Location of event
Belfast Telegraph				
Irish News	£573	£793	£100	City contro
Newsletter	£373	£193		City centre
Daily Mirror				
Andersonstown News				
North Belfast News	£199	£419	£50	Outside city
South Belfast News	1199	£419	250	centre
East Belfast and Shankill Mirror				

^{*} Utilising an average advert cost will mean that we can set a standard application fee to cover officer time and advertising costs.

3.43 During Party Briefings there was wide support for having no charge applied to small scale events. This is a further option for Members to consider.

Summary of fee options

Attached at appendix 2 is a summary of the options discussed and Members are asked to consider choosing option 1,2 or 3 for the fees and advertising criteria for large events and any of options 1-5 for small events.

Financial and Resource Implications

- There will be direct financial costs attached to the administration of the Act by the Council 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 implications for the Council.
- 3.46 As we process more Road Closure applications the resources and costs associated with administering the Act will be reviewed annually to ensure that any necessary adjustments to fees may be brought to Committee for further consideration.

	Equality or Good Relations Implications
3.47	There are no equality or good relations issues associated with this report.
4.0	Documents Attached
	Appendix 1 – Breakdown of Administration Costs Appendix 2 – Summary of fee options

Road Closure

Large Event £ 460

Small Community / Street Party £ 220

Large scale

Task	Hrs	Rate	Cost]
Pre application discussions	2	£ 43.50	£ 87.00	RS
Validation of application, checks, telephone calls	1	£ 37.00	£ 37.00	TSO
Consultation letters merge, edit and assign to BS. (PSNI, NIFRS, ASNI, Roads)	0.5	£ 43.50	£ 21.75	RS
Meetings may be required with consultees	1.5	£ 43.50	£ 65.25	RS
Assessment of response from consultees	1	£ 43.50	£ 43.50	RS
Merge, edit and assign to BS for a refusal	0.25	£ 43.50	£ 10.88	RS
Prepare notice for advertising	1	£ 43.50	£ 43.50	RS
Viewing proposals with customers that call at the office	0.75	£ 37.00	£ 27.75	TSO
Assessment of representations received	0.75	£ 37.00	£ 27.75	TSO
Assessment of all relevant information relating to the application including	0.5	£ 43.50	£ 21.75	
submission of insurance requirements and agreement to the undertaking				RS
Merge, edit and assign the Order	0.5	£ 37.00	£ 18.50	RS
				1
Time allocation	9.75			1
All tasks			£ 404.63	1

Business Support tasks

Task	Hrs	Rate	1	Cost	
Input procedure for new application	0.25	£ 36.50	£	9.13 E	3S
Issue of letters assigned from BCS (up to 4 letters)	0.25	£ 36.50	£	9.13 E	38
Telephone call queries relating to Road Closures	0.5	£ 36.50	£	18.25 E	38
Customer queries at reception	0.5	£ 36.50	£	18.25 E	3S
Time allocation	1.5				
All tasks	11.25		£	54.75	

 Total Cost
 £
 459.38

 Say
 £
 460

Community Event

Task	Hrs	Rate	Co	ost	
Pre application discussions	0.5	£ 37.00	£	18.50	TSO
Validation of application, checks, telephone calls	0.5	£ 37.00	£	18.50	TSO
Consultation letters merge, edit and assign to BS. (PSNI, NIFRS, ASNI, DRD)	0.75	£ 37.00	£	27.75	TSO
Assessment of response from consultees	0.5	£ 37.00	£	18.50	TSO
Merge, edit and assign to BS for a refusal	0.25	£ 37.00	£	9.25	TSO
Prepare notice for advertising	0.5	£ 37.00	£	18.50	TSO
Assessment of representations received	0.5	£ 37.00	£	18.50	TSO
Assessment of all relevant information relating to the application including	0.5	£ 50.00	£	25.00	
submission of insurance requirements and agreement to the undertaking					RS
Merge, edit and assign the Order	0.25	£ 37.00	£	9.25	TSO
Time allocation	4.25				
All tasks			£	163.75	

Business Support tasks

Task	Hrs	Rate	Cost	
Input procedure for new application	0.25	£ 36.50	£ 9.	13 BS
Issue of letters assigned from BCS (up to 4 letters)	0.25	£ 36.50	£ 9.	13 BS
Telephone call queries relating to Road Closures	0.5	£ 36.50	£ 18.	25 BS
Customer queries at reception	0.5	£ 36.50	£ 18.	25 BS
Time allocation	1.5			
All tasks	5.75		£ 54.	75

 Total Cost
 £
 218.50

 Say
 £
 220

EXPLANATORY NOTES

How was the hourly rate worked out?

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

Business Support @ SO2 (£39.50) + Scale 6 (£33.50)

Total £73, 2 = £36.50

Regulatory Services @ 1 Regulatory Services Manager (£50) + 1 R. S. Officer (£37)

Total £87 , 2 = £43.50

Technical Support Officer @ £37

What is the Hourly rate based on?

The Hourly rate is based on the total cost for an officer including salary, employer's National Insurance contributions, superannuation contributions. This is not what an Officer is paid.

Appendix 2

		Options	Large event			Small event		
			Advert	Officer cost	Proposed fee	Advert	Officer cost	Proposed fee
	1	Any location, any applicant (see 3.27)	2 main papers	£460	£1610	2 main papers	£220	£1370
	2	City centre location, any applicant Outside city centre, any applicant (see 3.37)	1 main paper 1 local paper	£460	£1000 £650	1 main paper 1 local paper	£220	£800 £400
	3	City centre location, any applicant Outside city centre, any applicant (see 3.38)	2 main papers 2 main papers	£460	£1610 £1610	1 main paper 1 local paper	£220	£800 £400
	4	City centre - Voluntary organisations Outside centre - Voluntary organisations (see 3.43)				1 main paper 1 local paper	£220	£100 £50
'	5	City centre - Voluntary organisations Outside centre - Voluntary organisations (see 3.44)				1 main paper 1 local paper	£220	£0 £0

Page 59

NB. Where a special event extends beyond the City Centre to various areas of the City, such as the Belfast Marathon, then it is proposed that the advert is placed in one of the four main newspapers. These proposals would be regardless of the notice being for a large or small event.

This page is intentionally left blank