

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



**Belfast
City Council**

15th November, 2018

MEETING OF LICENSING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room - City Hall on Tuesday, 20th November, 2018 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. Non-Delegated Matters

- (a) Licensing of Houses of Multiple Occupation - Role of the Licensing Committee (Pages 1 - 6)
- (b) Road Closures - Review of the Resources and Costs (Pages 7 - 12)

3. Delegated Matters

- (a) Applications Approved Under Delegated Authority (Pages 13 - 20)
- (b) Application for the Renewal of an Entertainments Licence with Previous Convictions - Boyles Bar (Pages 21 - 34)

(c) Review of Stationary Street Trading Licence - Fountain Lane (Pages 35 - 40)



Subject:	Licensing of Houses of Multiple Occupation - Role of the Licensing Committee
Date:	20 November 2018
Reporting Officer:	Nigel Grimshaw, Strategic Director of City & Neighbourhood Services
Contact Officer:	Stephen Leonard, Neighbourhood Services Manager, CNS Department Nora Largey, Divisional Solicitor, Legal Services

Restricted Reports	
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"/>

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

1.0	Purpose of Report or Summary of main Issues
1.1	The Houses in Multiple Occupation (HMO) Act NI 2016 is due to commence on 1st April 2019. This will transfer the responsibility for the Houses in Multiple Occupation ('HMO') registration scheme from Northern Ireland House Executive to local district councils. It also creates a new licensing system, which requires landlords to demonstrate that they are a fit and proper person to be a HMO landlord.
1.2	The purpose of this report is to consider the role of the Licensing Committee in the decision-making process relating to the licensing of HMOs and to consider proposed amendments to Standing Orders and the Scheme of Delegation.

2.0	Recommendations
2.1	<p>It is recommended, upon the advice of Legal Services, as follows :</p> <ul style="list-style-type: none"> • That the Licensing Committee assumes responsibility for determining all matters under the Houses in Multiple Occupation (HMO) Act NI 2016, with the exception of those which are proposed to be delegated to the Strategic Director of City and Neighbourhood Services; • That the Strategic Policy and Resources Committee be recommended to amend Standing Order 37 (d) Duties of Committees – Licensing Committee to give effect to the Licensing Committee having delegated authority to determine those applications for a house in multiple occupation as set out in paragraph 3.6; and • The Licensing Committee agrees to the amendments to the Scheme of Delegation, as outlined in paragraph 3.28; subject to the approval of the Strategic Policy and Resources Committee
3.0	Main report
	<u>Key Issues</u>
3.1	The new legislative control, the Houses in Multiple Occupation (HMO) Act NI 2016 ('the 2016 Act') completed Final Stage on 15th March 2016 and received Royal Assent on 12th May 2016. On commencement of this Act, HMO regulation will transfer responsibility for the HMO registration scheme from Northern Ireland House Executive to councils. It also creates a new licensing system which requires landlords to demonstrate that they are a fit and proper person to be a HMO landlord. This will also be assessed by councils.
3.2	A copy of the 2016 Act can be found at: http://www.legislation.gov.uk/nia/2016/22/contents .
3.3	<p>A building or part of a building is a HMO within the meaning of the 2016 Act if the living accommodation is:</p> <ul style="list-style-type: none"> • occupied by three or more unrelated persons from three or more families, and • occupied by them as their only or main residence, and • either a house, premises or a group of premises owned by the same person with shared basic amenities.
3.4	The 2016 Act lists types of building that are not HMOs, and include, for example, those where the property is occupied only by the owners, buildings occupied by students that are managed and controlled by an educational establishment, where the occupants are members of, and fully maintained by, a religious order whose principal occupation is prayer, contemplation, religious education or the relief of suffering, and buildings owned by the crown and occupied by members of the armed forces.
	<u>The Role of Committee in the Decision-Making Process</u>
3.5	As Members are aware, the Licensing Committee has delegated authority for determining applications in relation to a variety of matters, such as Entertainments Licences, where objections have been received. In addition, the Committee is also responsible for

	determining such other matters of a licensing nature, as the Director of Planning and Place, in consultation with the City Solicitor, deems appropriate.
3.6	Given the licensing/regulatory nature of the 2016 Act and the expertise gained by the Licensing Committee in terms of assessing similar type issues, it is recommended that the Licensing Committee assumes responsibility for determining those applications for a house in multiple occupation where adverse representations are received, where variation of a licence is required, in the determination of a fit and proper person check, and in the revocation of licences, except where in the public interest the Director, in consultation with the City Solicitor, considers that there are particular circumstances which make it necessary to suspend a licence immediately.
3.7	Advice from Legal Services is that Standing Orders must be amended to set out those aspects of the 2016 Act for which the Licensing Committee will have delegated authority from Council to determine.
3.8	The Committee should note the legislative requirement to process a licence application within a reasonable time. Authorities should aim to determine applications before the end of the period of three months, beginning with the date on which the Council received a valid application form. Although it is appreciated that in certain cases, e.g. where physical changes to the living accommodation are to be made, an additional time period might be required. A court of summary jurisdiction may extend the period in the case of a particular application.
	<u>Outline of the Licensing Regime</u>
	<u>Licence Requirements</u>
3.9	Under the terms of the 2016 Act, a council may only grant the licence is satisfied: <ol style="list-style-type: none"> 1. The occupation of the property as a HM would not be a breach of planning control; 2. The owner, and any managing agent, are fit and proper persons; 3. The proposed management arrangements are satisfactory; 4. Granting the licence will not result in the over provision of HMOs in the locality; and 5. The property is fit for human habitation and is suitable for occupation as a HMO.
3.10	A HMO licence may include such conditions as the council considers appropriate for the regulation of the management, use and occupation of the HMO and its condition and contents. A licence can be granted for up to 5 years but no less than 6 months.
3.11	Under the 2016 Act it is an offence to operate as an unlicensed HMO, to exceed the permitted occupancy or breach the Licence conditions. It is also an offence to claim a property is licensed when it is not and for failure to name a managing agent on the Licence. Councils will also have the power to serve a range of enforcement notices.
3.12	Notice of applications must be placed at the property and advertised in a newspaper circulating in the locality of the HMO.
3.13	In determining an application for a HMO licence, a council must give the applicant an opportunity of appearing before and of being heard by it, and give any person who has made any such representation, an opportunity of appearing before and of being heard by the council.
3.14	Feedback from Members will be incorporated into a subsequent report to the Strategic Policy and Resources Committee on the proposal for Licensing Committee to be

	<p>responsible for this function, together with the proposed amendments to the Scheme of Delegation.</p> <p><u>Refusal, revocation or variation of a licence</u></p>
3.16	<p>The Council has powers under the Act to refuse an application, revoke or make a variation to a licence in a variety of circumstances.</p> <p><u>Refusal of a licence</u></p>
3.17	<p>Before it formally considers an HMO application, the Council has the power to refuse to consider it, if it considers that occupation of the accommodation as a HMO would be a breach of planning control.</p>
3.18	<p>In considering the application, the Council has to satisfy itself that the applicant, and their agent, has signed a self-declaration confirming fit and proper person status to operate an HMO. If the Council is not so satisfied, they must refuse the application.</p>
3.19	<p>The Council must also satisfy itself that the property is suitable for use as an HMO or could be made so by including conditions in the licence. If the Council is not so satisfied, it must refuse the application.</p>
3.20	<p>The Fire and Rescue Service has independent responsibility for enforcing fire safety legislation in HMOs in Northern Ireland through the Fire and Rescue Services (NI) Order 2006. Article 48 of the Fire and Rescue Services Order 2006 restricts the extent to which licensing regimes can deal with fire safety. The Council has a duty during inspection to examine the condition of the living accommodation as well as the safety and security of the persons likely to occupy it. The Council should therefore take into account the level of fire safety in the HMO and the extent of its compliance with the Fire and Rescue Services (NI) Order 2006. If a council is of the view that there is a serious fire safety issue which cannot be resolved that will be referred to the Fire and Rescue Service. Such an issue will also go to the fitness of the applicant to hold a licence.</p>
3.21	<p>The Council must have regard to any objections to the application.</p> <p><u>Revocation of a licence</u></p>
3.22	<p>A Council may revoke a licence at any time. There are a number of possible grounds that may lead to a revocation of a licence. These include that the licence holder or agent is no longer a suitable person, that the accommodation is no longer suitable for occupation as an HMO and cannot be made suitable, or that there has been a serious breach of the licence conditions. The Act also specifies that it does not matter if the Council has taken any other action or criminal proceedings have been commenced, the licence can still be revoked.</p> <p><u>Variation of a licence</u></p>
3.23	<p>The Council can vary the terms of the licence at any time, either at their own discretion or if the licence-holder asks them to do so (for example to make a material change to the property). The licence holder must be given notice and an opportunity to be heard before a variation is imposed, and can appeal a decision to vary or refuse to vary a licence.</p> <p><u>Appeals process</u></p>
3.24	<p>Any person on whom the council is required to serve notice of a decision has the right to appeal against the decision. The requirements to serve notice will vary depending on the</p>

	<p>nature of the decision. Generally, this includes the applicant, and anyone who has made a valid written representation. In some cases, occupants of the premises must also be served a notice.</p>
3.25	<p>Any appeal must be made to the Magistrates Court within 28 days of receiving notice.</p>
	<p><u>Proposed Amendments to the Scheme of Delegation</u></p>
3.26	<p>In order to deal with the majority of HMO Licence applications in a timely fashion and with the aim of keeping administrative costs to a minimum it is therefore suggested that the following amendment is made to the Scheme of:</p>
3.27	<p>The Strategic Director of City and Neighbourhood Services is responsible for exercising all powers in relation to the issue, but not refusal, of HMO Licences, excluding provisions relating to:</p> <ul style="list-style-type: none"> • applications for the grant, renewal, transfer or variation of licences where objections are received; • applications where officers believe there may be an issue in relation to the fitness of the applicant to hold a licence; • approving any guidance documents; • setting of licence fees; • revocation of licences, except where in the public interest the Director, in consultation with the City Solicitor, considers that there are particular circumstances which make it necessary to suspend a licence immediately.
3.28	<p>Any amendment to the Scheme of Delegation or Standing Orders must be referred to the Strategic Policy and Resources Committee. Feedback from Members on the proposal for Licensing Committee to be responsible for this function, together with the proposed amendments to the Scheme of Delegation will be reported to the Strategic Policy and Resources Committee. .</p>
3.29	<p>Any decision of Committee in relation to amendments to Standing Orders or the Scheme of Delegation will also be subject to ratification by full Council.</p>
	<p><u>Financial and Resource Implications</u></p>
3.30	<p>The cost of administering the new licensing regime has been included in the estimates for 2019/20.</p>
3.31	<p>It is proposed to hold a training workshop in January 2019 and bring proposed amendments to the Committee’s Operating Protocol on February 2019.</p>
	<p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p>
3.32	<p>There are no equality, good relations or rural needs implications associated with this report.</p>
4.0	Appendices
4.1	N/A

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LICENSING COMMITTEE



Belfast
City Council

Subject:	Road Closures –review of the resources and costs
Date:	20th November, 2018
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext 2435
Contact Officer:	James Cunningham, Regulatory Services Manager, Ext 3375

Restricted Reports	
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"/>

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

1.0	Purpose of Report or Summary of main Issues
1.1	To update Committee on road closures and the cost to administer the scheme and to review the appropriate level of fees Belfast City Council may charge for road closures for special events.
2.0	Recommendations
2.1	Members are asked to consider the information presented and decide whether: <ol style="list-style-type: none"> 1. To continue to keep under review for a further 6 months the costs and resources required; or 2. To ask officers to bring forward proposals for revised fees to a future meeting.

3.0	Main report
	<p data-bbox="272 226 427 255"><u>Key Issues</u></p> <p data-bbox="165 293 1458 353">3.1 Committee will recall that, at your meeting in April 2018, you agreed the fees, classification of events and the newspapers that the Statutory Notice is published in for road closures.</p> <p data-bbox="165 394 1034 423">3.2 Committee are reminded that they agreed to the following:</p> <p data-bbox="272 461 507 490"><u>Small local event:</u></p> <p data-bbox="165 528 1458 1128">3.3 The event is a small, local, neighbourhood event where people attending are not from outside the street (e.g. street party) or immediate neighbourhood. To be considered a 'small event' the event should meet the following criteria:</p> <ol data-bbox="272 629 1458 1128" style="list-style-type: none"> 1. It is 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 pm and: <ol data-bbox="320 999 1394 1128" style="list-style-type: none"> 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. <p data-bbox="165 1167 1426 1227">3.4 This list was not exhaustive and each application is considered on a case by case basis. The application cost is free.</p> <p data-bbox="272 1267 443 1296"><u>Large event:</u></p> <p data-bbox="165 1335 1426 1431">3.5 If the event does not meet the above criteria, then the event is considered a large event. This includes all filming events. The application cost for a City centre event is £1000 and outside the City centre is £650. (City centre is defined using BMAP)</p> <p data-bbox="272 1469 751 1498"><u>Running, triathlon and cycling races:</u></p> <p data-bbox="165 1536 1442 1632">3.6 1. Commercial events or races that have a substantial impact on the road network or are within the City centre. The application cost is £1000; a reduced fee of £125 for events run by registered charities for fund raising purposes was agreed.</p> <p data-bbox="165 1671 1458 1800">3.7 2. Club runs or running races that have minor impact on the road network and are outside the City Centre in a small geographical area. These types of running races are generally organised by voluntary organisations and any profit made from them is used to fund the activities of the club. The application cost is free.</p> <p data-bbox="272 1839 651 1868"><u>Publication of a Legal Notice</u></p> <p data-bbox="165 1906 1458 2000">3.8 It was agreed that City centre applications are advertised in either the Belfast Telegraph, Daily Mirror (Northern Ireland Edition), Irish News or Newsletter (Ulster Edition) on a rotational basis. Where a special event extends beyond the City centre to various areas of</p>

the City, such as the Belfast Marathon, then the Notice is also placed in one of the four main newspapers.

3.9 When the event is outside the City centre, the Notice is advertised in a local newspaper circulating in that area. This has proven to be problematic, in that some local newspapers are only published on a fortnightly basis and often applications for local events are received at short notice meaning that the advert has had to be placed in a main Newspaper, thus resulting in additional expenditure.

3.10 Where it has been possible applications for multiple road closures have been combined into one Notice to help reduce advertising costs.

3.11 Since June 2018, the Council has made 26 Orders for 34 events to close or restrict roads. Appendix 1 (attached) has details of the actual events and the cost for each Order. Below is a summary for the events as per the agreed classification.

- Small event: 2
- Large event (City centre): 10
- Large event (Outside City centre): 8
- Commercial runs including triathlon: 3
- Commercial runs reduced fee (charity): 1
- Club runs: 2

3.12 The following table shows an overview of the total income and expenditure related to processing 26 Road Closure Orders to date resulting in an additional cost to the Council of £14,263.58.

Fee Income	Notice cost	Officer cost	Expenditure	Deficit
£18,325.00	£20,562.68	£12,025.90	£32,588.58	-£14,263.58

Review of fees

3.13 The current road closure fees were set at your meeting in April when Committee agreed that a review of the resources and costs associated with administering the Act would be undertaken after 6 months.

3.14 In processing the 26 applications we have recorded officer time spent on each application and the cost of the public Notice (which will vary for each application) to provide an accurate reflection of the cost of administering the scheme.

3.15 From those figures, we have worked out the average cost of processing each application as set out below compared with the fee the Council receives.

Application Type	Ave. processing cost	Current fee
Large event (City centre)	£1,470.40	£1000
Large event (Outside centre)	£786.86	£650
Large running event	£2,598.95	£1000

Application Type	Ave. processing cost	Current fee
Large running event – charity	£582.33	£125
Club run	£487.77	Free
Small local event	£1,001.84	Free

3.16 Committee is asked to note the costs in comparison to fee income. In particular, the high cost of processing large running type events has been due to the complexity of the number of roads to be closed or restricted, which required large notices being placed in the newspapers.

3.17 Committee is asked to decide whether they wish to continue to keep under review, for a further period of time, the costs and resources required to administer Road Closures, or if you wish Officers to bring forward proposals for revised fees based on information gathered to date.

Financial & Resource Implications

3.18 There are direct financial costs attached to the administration of the Act by the Council and, whilst fees have been set, the cost to administer the scheme is only partially recovered from applicants based on our information to date.

3.19 As more Road Closure applications are processed, the resources and costs associated with administering the Act will be regularly reviewed to ensure that any suggested adjustments to fees may be brought to Committee for further consideration.

Equality or Good Relations Implications/Rural Needs Assessment

3.21 There are no equality or good relations issues associated with this report.

4.0 Appendices – Documents Attached

Appendix 1 – Overview of Orders made and the associated costs.

Appendix 1

Event Name	Road Closed or Restricted	Application Type	Fee	Notice	Officer Cost	Expenditure (Notice+Officer)	Profit/Loss
Union Street Pride Party	Union Street	Large event CC	£ 1,000.00	£ 771.26	£ 297.17	£ 1,068.43	-£ 68.43
Culture Night Belfast	Culture Night City Centre	Large event CC	£ 1,000.00	£ 1,026.43	£ 637.75	£ 1,664.18	-£ 664.18
Castle St Evening Fairs	Castle Street	Large event CC	£ 1,000.00	£ 830.59	£ 320.33	£ 1,150.92	-£ 150.92
Christmas Lights Switch On	Switch On - Belfast City Centre	Large event CC	£ 1,000.00	£ 1,245.89	£ 683.25	£ 1,929.14	-£ 929.14
Street Style Pop-UP Fashion Show	Arthur Street	Large event CC	£ 1,000.00	£ 896.83	£ 322.67	£ 1,219.50	-£ 219.50
Red Bull City Limits	Wellington Place	Large event CC	£ 1,000.00	£ 1,077.76	£ 756.42	£ 1,834.18	-£ 834.18
Harvest Fair	Fountain Lane, College Street, Fountain Street, Berry Street	Large event CC	£ 1,000.00	£ 1,434.92	£ 320.33	£ 1,755.25	-£ 755.25
Donegall Pass Community Fair	Donegall Pass, Conduit Street, Elm Street, Virginia Street and Maryville Street	Large event CC	£ 1,000.00	£ 1,173.60	£ 585.00	£ 1,758.60	-£ 758.60
City Centre Animation Events	Royal Av, Castle Place, Rosemary St, Lower Garfield St, Royal Avenue, Bank St	Large event CC	£ 1,000.00	£ 475.20	£ 1,004.75	£ 1,479.95	-£ 479.95
Bus & Train Week Road Safe	Oxford Street	Large event CC	£ 1,000.00	£ 280.80	£ 563.08	£ 843.88	£ 156.12
International Peace Day Event	Townsend Street	Large event OC	£ 650.00	£ 771.26	£ 387.08	£ 1,158.34	-£ 508.34
Belfast Telegraph Run Forest Run	Ballynahitty Rd, Edenderry Rd, New Forge Lane	Large event OC	£ 650.00	£ 1,255.56	£ 190.58	£ 1,446.14	-£ 796.14
Mrs Wilson	Upper & Lower Crescent	Large event OC	£ 650.00	£ 162.24	£ 422.75	£ 584.99	£ 65.01
ABV Beer Festival	Regent Street	Large event OC	£ 650.00	£ 162.24	£ 241.83	£ 404.07	£ 245.93
Doing Money (Pacific Avenue)	Pacific Avenue	Large event OC	£ 650.00	£ 162.24	£ 193.25	£ 355.49	£ 294.51
Doing Money (The Mount)	The Mount	Large event OC	£ 650.00	£ 280.80	£ 195.25	£ 476.05	£ 173.95
Line of Duty 5 (Rosetta Road/Mount Merrion)	Rosetta Rd/Mount Merrion Av	Large event OC	£ 650.00	£ 1,077.76	£ 362.58	£ 1,440.34	-£ 790.34
Line of Duty 5 (Windsor Park)	Windsor Park	Large event OC	£ 650.00	£ 162.24	£ 267.25	£ 429.49	£ 220.51
Belfast Triathlon	Triathlon - Belfast City Centre	Large run	£ 1,000.00	£ 1,883.35	£ 731.75	£ 2,615.10	-£ 1,615.10
Belfast Half Marathon	Half Marathon - Belfast	Large run	£ 1,000.00	£ 864.00	£ 1,442.58	£ 2,306.58	-£ 1,306.58
Ciclovía	Ciclovía - City Centre	Large run	£ 1,000.00	£ 604.80	£ 485.00	£ 1,089.80	-£ 89.80
Santa Dash for Cash	City Centre	Large run charity	£ 125.00	£ 2,062.70	£ 536.25	£ 2,598.95	-£ 2,473.95
Na Ceathrún Gaeltachta 10Km	Falls Rd, Glen Rd, Shaws Rd, Andersonstown Rd, Falls Park	Club run	£ -	£ 270.00	£ 312.33	£ 582.33	-£ 582.33
Seeley Cup 10K Run	Seeley Cup	Club run	£ -	£ 187.20	£ 206.00	£ 393.20	-£ 393.20
Deramore Avenue Street Party	Deramore Avenue	Small local event	£ -	£ 187.44	£ 231.75	£ 419.19	-£ 419.19
Twaddell 11th July Street Party	Twaddell Avenue	Small local event	£ -	£ 1,255.56	£ 328.92	£ 1,584.48	-£ 1,584.48
		Total	£ 18,325.00	£ 20,562.68	£ 12,025.90	£ 32,588.58	-£ 14,263.58

Application Type	Average processing cost
Large event CC	£ 1,470.40
Large event OC	£ 786.86
Large run	£ 2,598.95
Large run charity	£ 582.33
Club run	£ 487.77
Small local event	£ 1,001.84

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Subject:	Licences Issued Under Delegated Authority
Date:	20th November, 2018
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	James Cunningham, Regulatory Services Manager, Ext 3375

Restricted Reports	
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"/>

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

1.0	Purpose of Report or Summary of main Issues
1.1	Under the Scheme of Delegation, the Director of Planning and Building Control is responsible for exercising all powers in relation to the issue, but not refusal, of permits and licences, excluding provisions relating to the issue of Entertainments Licences where adverse representations have been made. Those applications which were dealt with under the Scheme are listed below.
2.0	Recommendations
2.1	The Committee is requested to note the applications that have been issued under the Scheme of Delegation.

3.0	Main report			
3.1	<u>Key Issues</u> Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 the following Entertainments Licences were issued since your last meeting.			
	Premises and Location	Type of Application	Hours Licensed	Applicant
	Alexandra Park, Castleton Gardens, Belfast, BT15 3BY.	Renewal (Outdoor)	Sun - Sat: 11.30 - 23.00	Belfast City Council
	Alexandra Park, Castleton Gardens, Belfast, BT15 3BY.	Renewal (Marquee)	Sun - Sat: 11.30 - 23.00	Belfast City Council
	Balmoral Hotel, Blacks Road, Belfast, BT10 0NF.	Renewal	Sun: 12.00 - 22.00 Mon - Sat: 07.30 - 01.00	Mr Brendan Kerr, Clady Inns Limited
	Belfast Castle, 698 Antrim Road, Belfast, BT15 5GR.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Belfast City Council
	Belfast Harbour Commissioners Office, Corporation Square, Belfast, BT1 3AL.	Renewal	Sun - Sat: 08.00 - 01.00	Ms Laura Morrison, Belfast Harbour Commissioners
	Benedicts Hotel, 17-21 Bradbury Place, Belfast, BT7 1RQ.	Renewal	Sun - Sat: 11.00 - 01.30	Mr Edmund Simpson, Elmoreton Ltd
	Botanic Gardens Bowling Pavilion, Botanic Gardens, Belfast.	Renewal	Sun - Sat: 08.00 - 01.00	Belfast City Council
	Botanic Gardens, Stranmillis Embankment, Belfast, BT7.	Renewal (Outdoor)	Sun - Sat: 11.30 - 23.00	Belfast City Council
	Botanic Gardens, Stranmillis Embankment, Belfast, BT7.	Renewal (Marquee)	Sun - Sat: 11.30 - 23.00	Belfast City Council
	Bridge House, 35-37 Bedford Street, Belfast, BT2 7EJ.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Miss Barbara Morrice, JD Wetherspoon plc
	C.S Lewis Square, Hollywood Arches, Newtownards Road, Belfast , BT4 1HE.	Grant (Marquee)	Sun - Sat: 11.30 - 23.00	Belfast City Council
	C.S Lewis Square, Hollywood Arches, Newtownards Road, Belfast , BT4 1HE.	Renewal (Outdoor)	Sun - Sat: 11.30 - 23.00	Belfast City Council
	Cathedral Park (Buoy Park), Academy Street, Belfast, BT1 .	Renewal (Outdoor)	Sun - Sat: 11.30 - 23.00	Belfast City Council

Premises and Location	Type of Application	Hours Licensed	Applicant
Cathedral Park (Buoy Park), Academy Street, Belfast, BT1 .	Grant (Marquee)	Sun - Sat: 11.30 - 23.00	Belfast City Council
Church of God Glenmachan, 13 Glenmachan Road, Belfast, BT4 2NL.	Renewal	Mon - Fri: 08.00 - 01.00 Sat: 08.00 - 00.00	Rev Alan Stephens
City Hall, Donegall Square, Belfast, BT1 5GS.	Renewal (Outdoor)	Sun - Sat: 11.30 - 23.00	Belfast City Council
CIYMS, 91 Circular Road, Belfast, BT4 2GD.	Renewal	Mon - Sat: 11.30 - 23.00	Mr Richard Barnes
Cregagh Congregational Church, Graham Gardens, Belfast, BT6 9FB.	Renewal	Mon - Fri: 08.00 - 01.00 Sat: 08.00 - 00.00	Mr Warnock Craig
Deane and Decano, 537 Lisburn Road, Belfast, BT9 7GQ.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mrs Rachel McCreight, Deanes Restaurant Group
Deanes At Queens, 1 College Gardens, Belfast, BT9 6BQ.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mrs Rachel McCreight, Deanes RG
Deanes Restaurant, 28-40 Howard Street, Belfast, BT1 6PF.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mrs Rachel McCreight, Deanes RG
Donegal Celtic Social Club, 32 Suffolk Road, Belfast, BT11 9QD.	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr Alexander Shannon
Dunmurry Inn, 195 Kingsway, Dunmurry, BT17 9SB.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr Thomas A Meharry
Empire Bar, 42 Botanic Avenue, Belfast, BT7 1JQ.	Renewal (Outdoor)	Fri - Mon: 12.30 - 23.00	Mr Robert Davis, Wine Inns Ltd
Empire Bar, 42 Botanic Avenue, Belfast, BT7 1JQ.	Renewal	Sun - Sat: 08.00 - 02.00	Mr Robert Davis, Wine Inns Ltd
Fountain Tavern, 16-20 Fountain Street, Belfast, BT1 5ED.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Ms Jackie Murray, Murray Hospitality Limited
Granny Annie's Kitchen, 81-85 Chichester Street, Belfast, BT1 4JE.	Renewal	Sun: 12.30 - 03.00 Mon - Sat: 11.30 - 03.00	Mr Willis Mclaughlin, W & R Holdings Limited
Hawarden Tennis Club, 3 Clonlee Drive, Belfast, BT4 3DA.	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr Steven Leeman
Premises and Location	Type of	Hours Licensed	Applicant

	Application		
Henry's & The Jailhouse, 4 Joys Entry, Belfast, BT1 4DR.	Renewal, Transfer & Variation	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 03.00	Mr Jim Conlon, 3 Wise Men Pubs Limited
Hilton Hotel Belfast, 4 Lanyon Place, Belfast, BT1 3LP.	Renewal & Transfer	Sun - Sat: 08.00 - 03.00	Mr Aaron Mulholland, Dragonglass Belfast Limited
Hunting Lodge, 39 Stewartstown Road, Belfast, BT11 9BZ.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr Terry Reilly, Beeches Drive Company Limited
Inverary Community Centre, Inverary Avenue, Belfast, BT4 1RN.	Renewal	Sun - Sat: 08.00 - 01.00	Belfast City Council
Jurys Inn Belfast, Fisherwick Place, Belfast, BT2 7AP.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr Ryan Foster, Jurys Inn Group Ltd
Linenhall Library, 17 Donegall Square North, Belfast, BT1 5GB.	Renewal	Sun - Sat: 08.00 - 01.00	Ms Julie Andrews
Lower Crescent Open Space, Lower Crescent, Belfast, BT7 1NS.	Renewal (Outdoor)	Sun - Sat: 11.30 - 23.00	Belfast City Council
Maddens Bar, 74 Berry Street, Belfast, BT1 1JE.	Renewal	Sun: 12.30 - 03.00 Mon - Sat: 11.30 - 03.00	Mr Brian McMullan
Malone Golf Club, 240 Upper Malone Road, Belfast, BT17 9LB.	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr Patrick Dean
May Street Presbyterian Church, 23 May Street, Belfast, BT1 4NU.	Renewal	Sun - Sat: 08.00 - 01.00	Mr Robin Morton
Northern Whig House, 2-10 Bridge Street, Belfast, BT1 1LU.	Renewal	Sun: 12.30 - 03.00 Mon - Sat: 11.30 - 03.00	Mr Stephen Magorrian, Northern Whig Trading Limited
Ormeau Park Bowling Pavilion, Ormeau Road, Belfast.	Renewal	Sun - Sat: 08.00 - 01.00	Belfast City Council
Ormeau Park, Ormeau Embankment, Belfast, BT7.	Grant (Marquee)	Sun - Sat: 11.30 - 23.00	Belfast City Council
Ormeau Park, Ormeau Embankment, Belfast, BT7.	Renewal (Outdoor)	Sun - Sat: 11.30 - 23.00	Belfast City Council
Regent House Mews, 2A Monagh Grove, Belfast, BT11 8EJ.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr Patrick Donnelly, Regent House Mews Limited
Rosario Youth Centre, 469 Ormeau Road, Belfast, BT7 3GR.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Ms Natalie Robinson
Premises and Location	Type of	Hours Licensed	Applicant

		Application		
	Royal Naval Association, 79-81 Great Victoria Street, Belfast, BT2 7AE.	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr Robert White
	SD Bell & Co Limited, 516 Upper Newtownards Road, Belfast, BT4 3HL.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr Robert Bell, SD Bell & Co Limited
	Shu Restaurant, 253-255 Lisburn Road, Belfast, BT9 7EN.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr Alan Reid, Fine-Foods Limited
	St Galls G.A.C, 4-12 Milltown Row, Belfast, BT12 6EU.	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr Brendan Gallagher
	St Matthews Church Hall, 403 Shankill Road, Belfast, BT13 3AF.	Renewal	Mon - Fri: 08.00 - 01.00 Sat: 08.00 - 00.00	Rev Tracey Elaine Mc Roberts
	Sunflower Bar, 65 Union Street, Belfast, BT1 2JG.	Renewal	Sun: 12.30 - 22.00 Mon - Thurs: 11.30 - 23.30 Fri - Sat: 11.30 - 01.00	Mr Pedro Donald, Yellow Brick Road (NI) Ltd
	The Hub, 22 Elmwood Avenue, Belfast, BT9 6AY.	Renewal	Mon - Fri: 08.00 - 01.00 Sat: 08.00 - 00.00	Mrs Nora Montgomery
	The Thirsty Goat Bar & 21 Social, 1 Hill Street, Belfast, BT1 2LA.	Renewal	Sun: 12.30 - 02.00 Mon - Sat: 11.30 - 02.00	Mr Henry Downey, Eagle-Glen Limited
	Times Bar, 24-28 York Road, Belfast, BT15 3HE.	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr Brian Boyd
	Waterworks Park, Cavehill Road, Belfast, BT14 6NG.	Renewal (Outdoor)	Sun - Sat: 11.30 - 23.00	Belfast City Council
	Waterworks Park, Cavehill Road, Belfast, BT14 6NG.	Renewal (Marquee)	Sun - Sat: 11.30 - 23.00	Belfast City Council
	Woodvale Park, Woodvale Road, Belfast, BT13 3BW.	Renewal (Outdoor)	Sun - Sat: 11.30 - 23.00	Belfast City Council
	Woodvale Park, Woodvale Road, Belfast, BT13 3BW.	Renewal (Marquee)	Sun - Sat: 11.30 - 23.00	Belfast City Council
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.			
	Premises and Location	Type of Application	Hours Licensed	Applicant
	Funtime, 157a Antrim Road, Belfast, BT15 2GW.	Renewal	Sun: 12:00 – 01.00 Mon - Sat: 10.00 – 01.00	Mr Patrick Quinn, P & F Amusements
	Oasis Gaming Centre, 61 Boucher Road, Belfast, BT12 6HR.	Renewal	Sun: 11.00 - 00.00 Mon - Sat: 09.00 - 00.00	Mr Gerald Steinberg, Oasis Retail Service Limited

Odyssey Bowl, Unit 2 Odyssey Pavilion, 2 Queens Quay, Belfast, BT3 9QQ.	Renewal	Sun: 10.00 - 00.00 Mon - Thur: 12.00 - 23.00 Fri: 12.00 - 00.00 Sat: 10.00 - 00.00	Mr Brian McCormack, Matagorda3 Limited
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3.3

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
Boucher Crescent at lamp post no.16	Stationary	Hot food and non-alcoholic beverages	Mon – Sat: 06.00 – 18.00	Mr Hakan Sen
Donegall Place	Temporary	Red Bull beverages	03/11/2018 from 14.00 – 21.30	Mr Eamonn Seoige
Castlereagh, Braniel, Tullycarnet, Newtownbreda, Edenderry, Dunmurry, Twinbrook, Poleglass, Ladybrook, Cregagh & Ballynafeigh	Mobile	Ice cream, confectionery non-alcoholic beverages	Mon - Sun: 12.00 - 19.00	Mr Robin Adair

3.4

Under the terms of the Road Traffic Regulation (Northern Ireland) Order 1997 the following Road Closure Orders were made since your last meeting.

Location	Type of Activity	Date and Hours permitted	Applicant
Castle Street, Chapel Lane, Fountain Lane, Fountain Street, College Street	Street fair	26/10/2018 11.00 – 23.00	Belfast City Council
Donegall Place, Donegall Square North, Donegall Square West, Chichester Street	Christmas Lights switch-on	16/11/2018 11.15 – 23.00 17/11/2018 6.00 – 23.00	Belfast City Council
Donegall Pass, Conduit Street, Maryville Street, Virginia Street, Elm Street	Community fair	29/10/2018 9.30 – 20.00 05/12/2018 13.30 – 23.00 26/03/2019 9.30 – 20.00	Ms Sophie Rasmussen
Windsor Park	Film	31/10/2018 16.00 to 01/11/2018 04.00	Mr David Cooke
Ballynahatty Road, Edenderry Road, New Forge Lane	5K & 10K run	03/11/2018 11.00 – 12.00	Mr Gerard Rowe
Donegall Square North,			

	Donegall Square East, Donegall Square West, Chichester Street, Donegall Place, Upper Arthur Street, Montgomery Street, Seymor Street, Wellington Place, Queen Street, Upper Queen Street	Red Bull F1 Festival	03/11/2018 18.00 – 23.00	Mr Nigel Cleary
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Financial & Resource Implications

None

3.5 Equality or Good Relations Implications/Rural Needs Assessment

There are no issues associated with this report.

3.6

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Subject:	Consideration of Entertainments Licences where the applicant has been convicted of an offence
Date:	20th November 2018
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	James Cunningham, Regulatory Services Manager, Ext 3375

Restricted Reports	
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"/>

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

1.0	Purpose of Report or Summary of main Issues
1.1	To consider applications for Entertainments Licences where the applicant has been convicted of an offence under the Local Government (Miscellaneous Provisions) (NI) Order 1985 (the Order) within the previous five years.
2.0	Recommendations
2.1	<p>Taking into account the information presented, you are required to consider the application and to:-</p> <ol style="list-style-type: none"> 1. Approve the application, or 2. Should you be of a mind to refuse the application, or approve the application with additional special conditions, an opportunity of appearing before and of being heard by the Committee must be given to the applicant.

3.0	Main report										
	<p data-bbox="272 226 427 255"><u>Key Issues</u></p> <p data-bbox="165 293 1422 389">3.1 Members are reminded that the normal process for dealing with Entertainments Licence application which are not the subject of objections is that the Licence will be granted as provided for in the Council's Scheme of Delegation.</p> <p data-bbox="165 427 1461 524">3.2 However, as the applicant or their company has been found guilty of committing an offence within five years of the application for a licence being submitted to the Council, you are required to consider the following applications.</p> <table border="1" data-bbox="272 591 1458 1122"> <thead> <tr> <th data-bbox="272 591 576 696">Premises and Location</th> <th data-bbox="576 591 791 696">Applicant</th> <th data-bbox="791 591 979 696">Application Type</th> <th data-bbox="979 591 1230 696">Offence Details</th> <th data-bbox="1230 591 1458 696">Date of Conviction & Penalty</th> </tr> </thead> <tbody> <tr> <td data-bbox="272 696 576 1122"> <p data-bbox="288 824 443 853">Boyles Bar</p> <p data-bbox="288 891 472 987">91 Falls Road Belfast BT12 4PE</p> </td> <td data-bbox="576 696 791 1122"> <p data-bbox="592 860 692 956">Bothar Trading Limited</p> </td> <td data-bbox="791 696 979 1122"> <p data-bbox="807 898 924 927">Renewal</p> </td> <td data-bbox="979 696 1230 1122"> <p data-bbox="995 779 1182 837">26th February 2016</p> <p data-bbox="995 875 1198 1039">Entertainment taking place without a valid Entertainments Licence</p> </td> <td data-bbox="1230 696 1458 1122"> <p data-bbox="1246 824 1433 882">13th December 2016</p> <p data-bbox="1246 920 1426 987">£250 and £66 Court costs.</p> </td> </tr> </tbody> </table> <p data-bbox="165 1160 1461 1256">3.3 Notwithstanding the possibility of refusing an Entertainments Licence on any other grounds, the Council may refuse an application on the grounds that the applicant has been convicted of an offence under the Order.</p> <p data-bbox="272 1294 544 1323"><u>Application history</u></p> <p data-bbox="272 1361 427 1391">Boyles Bar</p> <p data-bbox="165 1429 1461 1525">3.4 This application is being placed before Committee because the applicant Company, Bothar Trading Limited, was convicted of an offence under the Order at Belfast Magistrates' Court on 13th December 2016.</p> <p data-bbox="165 1563 1374 1659">3.5 A grant application was placed before committee on 18 January 2017 and, after consideration, you agreed to grant the licence. The application for the renewal of the Entertainments Licence is now before you for your consideration.</p> <p data-bbox="165 1697 1398 1756">3.6 Since you last considered the application a renewal inspection has been carried out to ensure safety issues and management procedures are being implemented effectively.</p> <p data-bbox="272 1794 507 1823"><u>Representations</u></p> <p data-bbox="165 1861 1453 1928">3.7 Public notice of the application has been placed and no written representations have been lodged as a result of the advertisement.</p>	Premises and Location	Applicant	Application Type	Offence Details	Date of Conviction & Penalty	<p data-bbox="288 824 443 853">Boyles Bar</p> <p data-bbox="288 891 472 987">91 Falls Road Belfast BT12 4PE</p>	<p data-bbox="592 860 692 956">Bothar Trading Limited</p>	<p data-bbox="807 898 924 927">Renewal</p>	<p data-bbox="995 779 1182 837">26th February 2016</p> <p data-bbox="995 875 1198 1039">Entertainment taking place without a valid Entertainments Licence</p>	<p data-bbox="1246 824 1433 882">13th December 2016</p> <p data-bbox="1246 920 1426 987">£250 and £66 Court costs.</p>
Premises and Location	Applicant	Application Type	Offence Details	Date of Conviction & Penalty							
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<p>3.8</p> <p>3.9</p> <p>3.10</p> <p>3.11</p> <p>3.12</p>	<p><u>PSNI</u></p> <p>The PSNI has been consulted and has confirmed that they have no objections to the application. A copy of their correspondence is attached as Appendix 1.</p> <p><u>NIFRS</u></p> <p>The Northern Ireland Fire Rescue Service has been consulted in relation to the application and confirmed that they have no objections.</p> <p><u>Applicants</u></p> <p>The applicant and/or their representatives will be available at your meeting to answer any queries you may have in relation to the application. A copy of the application form for the premise is attached as Appendix 2.</p> <p><u>Financial and Resource Implications</u></p> <p>Officers carry out during performance inspections on premises providing entertainment which is catered for within existing budgets.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>There are no issues associated with this report.</p>
<p>4.0</p>	<p>Appendices – Documents Attached</p>
	<ul style="list-style-type: none"> • Appendix 1 – PSNI Correspondence • Appendix 2 – Application Form

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

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

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Subject:	To consider the revocation of a Stationary Street Trading Licence – Mr Joseph Kerr
Date:	20th November, 2018
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	James Cunningham, Regulatory Services Manager, Ext 3375

Restricted Reports	
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"/>

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

1.0	Purpose of Report or Summary of main Issues
1.1	To consider the revocation of the Stationary Street Trading Licence for the site in Fountain Lane, which was deferred at your meeting of 17 October, to allow Mr Kerr to establish a plan for the repayment of his outstanding Licence fees.
2.0	Recommendations
2.1	<p>Taking into account the information presented and after considering Mr Kerr’s representation, you are required to make a decision to either:</p> <ol style="list-style-type: none"> 1. Confirm your decision of 16 May 2018 and revoke the Street Trading Licence, or 2. Reverse your decision of 16 May 2018 and decide not to revoke the Street Trading Licence.

<p>2.2</p> <p>2.3</p> <p>2.4</p>	<p>If Committee decides not to revoke the Licence, Members are asked to consider making it a requirement upon renewal that Mr Kerr must pay his Licence fee in full, instead of the current Council policy of offering any applicant the opportunity to pay their fee over the term of the licence, and that any subsequent licence must be renewed annually.</p> <p>If the licence is revoked, the licensee may appeal the Council's decision within 21 days of notification of that decision to the Magistrates' Court. If an appeal is lodged the Licensee may continue to operate under the terms of the existing licence until such times as the Court make a determination in relation to the appeal.</p> <p>The Council will recover the outstanding debt.</p>
<p>3.0</p>	<p>Main report</p>
<p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p> <p>3.5</p> <p>3.6</p> <p>3.7</p> <p>3.8</p> <p>3.9</p> <p>3.10</p>	<p><u>Key Issues</u></p> <p>Committee is reminded that, at your meeting on 16 May 2018, you agreed that you were minded to revoke the Street Trading Licences held by Mr Joseph Kerr and that he be invited to make representation to the Committee regarding that decision.</p> <p>At your meeting on 17 October 2018 you considered an email submitted by Mr Kerr that afternoon and, after considering all of the facts, including that no payments had been made and that Mr Kerr owed the Council £2515.06 and the last payment made was made in August 2017, you decided to affirm the decision of 16 May 2018 to revoke the Licence for Fountain Street (20ft from its junction with Wellington Place).</p> <p>On the grounds set out in Section 10(1)(c)&(f) of the Street Trading Act (Northern Ireland) 2001, in that Mr Kerr without reasonable explanation, had failed to pay any fees or charges due to the Council and, without reasonable excuse, failed to avail himself to a reasonable extent of his Licence.</p> <p>Committee had decided on the Stationary Street Trading Licence for Fountain Street, as it was the less utilised of Mr Kerr's two sites.</p> <p>Committee is reminded that you agreed to defer, until your meeting in November, consideration of the site in Fountain Lane, to allow Mr Kerr to establish a plan for the repayment of his outstanding licence fees.</p> <p>Mr Kerr may, at any time within twenty-one days from the date on which notice of the decision was given by the Council, appeal the decision through the Magistrates' Court. To date we are not aware that Mr Kerr has lodged such an appeal in relation to Fountain Street.</p> <p>The remaining Licence is for:</p> <p>1. Fountain Lane (45ft from its junction with Donegall Place)</p> <p>For the sale of confectionery, toys, clothing accessories, Halloween accessories, gift-wrap, souvenirs and tour tickets including bus tours. The licence permits trading from Monday to Sunday from 08.00hrs to 22.00hrs.</p> <p>This Licence expires on 20 March 2019.</p> <p>Mr Kerr has been notified of the Committee decision, he sent us an email stating that he would pay £250 off the arrears on 28th of each month, but to date, no payment plan or any</p>

	<p>other representation has been received and no payments have been made. The outstanding debt has increased and is currently £2827.54</p> <p><u>Legislative background</u></p> <p>3.11 The Street Trading Act (N.I.) 2001 provides that, at any time after a Street Trading Licence has been granted, the Council may, in certain circumstances, revoke a Licence.</p> <p>3.12 The Act permits that a Council may revoke a Licence if it is satisfied that the licence holder has, without reasonable explanation, failed to pay any fees or charges due to the Council and if the licence holder has, without reasonable excuse, failed to avail himself to a reasonable extent of his licence.</p> <p>3.13 Attached as Appendix 1 is a copy of the minute from your meeting of 16 May 2018.</p> <p><u>Financial and Resource Implications</u></p> <p>3.14 If the Licence is revoked, there will be a loss in annual Licence Fees of £1250. However, it is anticipated that there will be sufficient interest in this site that the vacancy will be filled within a short time.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>3.15 There are no issues associated with this report.</p>
4.0	Appendices – Documents Attached
	Appendix 1 – Minute and report from Licensing Committee 16 May 2018.

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Licensing Committee

Wednesday, 16th May, 2018

MONTHLY MEETING OF LICENSING COMMITTEE

Members present: Councillor O'Hara (Deputy Chairperson) (in the Chair);
the High Sheriff (Councillor Howard);
Alderman L. Patterson; and
Councillors Boyle, Campbell, Clarke, Canavan, Craig,
Dudgeon, Groves, Hussey, Hutchinson, McConville and
Milne.

In attendance: Mr. S. Hewitt, Building Control Manager;
Mrs. L. McGovern, Solicitor; and
Mr. H. Downey, Democratic Services Officer.

Apologies

Apologies for inability to attend were reported from the Deputy Lord Mayor (Councillor Copeland) and Councillors Collins, Heading and McReynolds.

Minutes

The minutes of the meeting of 18th April were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 1st May, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

No declarations of interest were reported.

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

Licences issued under Delegated Authority

The Committee noted a list of licences which had been issued under the Council's Scheme of Delegation.

Review of Stationary Street Trading Licences – Fountain Lane and Fountain Street

The Building Control Manager informed the Committee that Mr. Joseph Kerr had, for several years, held a Stationary Street Trading Licence for each of the above-mentioned sites.

He reported that, during that time, he had failed consistently to pay his annual licence fee and reminded the Committee that it had, in the past, agreed that it was

minded to revoke both licences. The Committee had subsequently agreed only to rescind its decision upon being advised that the outstanding fees had been paid in full. He drew the Members' attention to the fact that Mr. Kerr had again failed to pay his licence fees and that, despite efforts by officers to contact him, he owed currently £1,577.54 in total. In addition, inspections had revealed that he was trading only sporadically and that he seldom utilised both sites.

The Building Control Manager pointed out that the Street Trading Act (Northern Ireland) 2001 stipulated that the Council could, in certain circumstances, revoke a licence at any time after it had been granted. Such circumstances would include, as in this case, the non-payment, without reasonable explanation, of fees and charges and a failure to avail to a reasonable extent of a licence. He explained that, should the Committee be minded to revoke Mr. Kerr's Licence, the aforementioned Act required that he be provided with advance notification to that effect and be invited to either make written representation to the Committee or to attend a future meeting in person.

After discussion, the Committee agreed that it was minded to revoke the Stationary Street Trading Licences held by Mr. Joseph Kerr in respect of the designated sites at Fountain Lane and Fountain Street and agreed that he be invited to make representation to the Committee regarding that decision.

The Committee agreed also that a report be submitted to a future meeting providing information on those street traders who had failed to pay their licence fees and on those who were not utilising their licences on a regular basis.

Chairperson