

Licensing Committee

Wednesday, 14th August, 2019

MEETING OF LICENSING COMMITTEE

- Members present: Councillor S. Baker (Chairperson);
The High Sherriff, Alderman Sandford;
Aldermen Copeland and McCoubrey; and
Councillors Bunting, Donnelly, Ferguson, Groves,
Hussey, Hutchinson, M. Kelly, T. Kelly, Magee,
Magennis, McAteer, Smyth and Whyte.
- In attendance: Mr. A. Thatcher, Director of Planning and Building Control;
Mr. S. Hewitt, Building Control Manager;
Ms N. Largey, Divisional Solicitor
Mr. J. Cunningham, Regulatory Services Manager; and
Ms. E. McGoldrick, Democratic Services Officer.

Apologies

No apologies were reported.

Minutes

The minutes of the meeting of 19th June 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 July, 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.

Delegated Matters

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

Applications Approved under Delegated Authority

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

Application for the Provisional Grant of an Amusement Permit – Oasis Gaming Centre, Wellington Place

The Committee was reminded that, at its meeting on 19th June, it had agreed to defer consideration of the application to allow the Committee to review the additional

information that had been published in Appendix 2 of the report, in relation to the 'Oasis Supporting Statement'.

The Committee was informed that Mr. M. Trimble, Oasis Retail Services Ltd., and Ms. D. Thompson, MBA Planning, were in attendance and they were welcomed by the Chairperson.

Ms. Thompson reminded the Committee that the application sought to extend the established gaming centre at 7 Wellington Place into the rear part of the adjacent unit at 9 Wellington Place. She advised that Oasis had been trading successfully for the last 20 years at this location without any issues in respect to compliance and age control.

She pointed out that the current premises needed to be modernised to improve the customer experience and stay ahead of their competitors. She advised that they wished to create further amenity space for their customers, to provide such facilities as a lounge, relaxation space, kitchen, office, staff room and additional toilet provision. She emphasised that the application had not requested an extension to opening hours or further gaming machines.

She suggested that the Amusement Permit Policy did not deal with these circumstances. She confirmed that there would be no change to the shop frontage and the enlarged use of the unit was compliant with Planning Policy. She advised that the development would bring investment, job security and further rates base to the City.

During points of clarification, Mr. Trimble outlined his experience in managing adult gaming centres. Ms. Thompson confirmed that there would be no change to the streetscape and there were no plans to extend the premises further.

The Director of Planning and Building Control also stated that it would be unlikely that an application to extend the facility to the front of the premises would comply with Planning Policy.

After discussion, the Committee agreed that it was satisfied the applicant was a fit and proper person.

The Committee also agreed in its capacity as Licensing Authority, to the grant the application for the provisional Amusement Permit in respect of Oasis Gaming Centre, Wellington Place subject to:

- (i) the premises are not to be used for an unlawful purpose or as a resort of persons of known bad character;
- (ii) no persons under the age of 18 are admitted to the premises; and
- (iii) at any entrance to, and inside the premises, there are prominently displayed notices indicating that access is prohibited to persons under the age of 18.

Competing Stationary Street Trading Licence
Applications for Fountain Street site

The Committee was advised that competing applications had been received from three persons wishing to trade from a designated site in Fountain Street. The Building Control Manager reviewed the applications and outlined the process for the Committee to grant one of the following applicants the pitch.

He advised Mr. S. Donnelly, had applied to sell tour tickets and tour memorabilia. The proposed times of trading were Monday to Sunday from 9.00 am to 5.00 pm. Mr. Donnelly proposed to use a stall on wheels measuring 3m by 1.5m.

He reported that the second applicant, namely, Mr. F. Brown, was seeking to sell bespoke street signs, arts and crafts and bus tour tickets from a trailer measuring 3m by 1m designed to replicate a City Sightseeing tour bus. The proposed times of trading were Monday to Sunday from 9.00 am to 9.00 pm.

He informed the Members that the third application had been submitted by Mr. M. Kerr, who had applied to sell wrapping paper, cards, confectionery, hot and cold beverages, lighters, toys, bus tour tickets, taxi tour and other tour tickets available, souvenirs, jokes, flowers, plants, e-cigarettes and accessories, hats and gloves, novelty and occasion accessories, and seasonal goods from a traditional market stall measuring 3.65m by 2.44m. The proposed times of trading were Monday to Sunday from 8.00 am to 10.00 pm. Mr Kerr's stall would measure 3.65m by 2.44m, which would be larger than a normal City centre pitch of 3m by 1.5m.

The Committee was informed that the three applicants were in attendance in order to outline their proposals for the site.

Applicant 1

Mr. Donnelly, Director of Titanic and City Tours, informed the Committee that they were a local company and had been in business for 10 years. He advised that they didn't have another outlet to sell their tour tickets outside of Visit Belfast. He indicated that a stall would decrease the confrontation of ticket sellers in the City Centre. He believed that a stall would benefit their company and assist with fair trading as competitors had multiple stalls around the City Centre. He advised that they intended to sell bus tickets and memorabilia in relation to their Game of Thrones Tour, Giants Causeway Tour and City Tour.

Mr. P. Rogan, Manager of City Tours, stated that the option to manage a stall would benefit their company, staff and the visitors to Belfast as it would be an information source. He advised that, if successful, they planned to be open 362 days per year and would be committed to helping Belfast City Centre visitors.

During points of clarification, Mr. Donnelly confirmed that they would be selling tour tickets, t-shirts, hats and seasonal offerings and felt that as other tour companies had other ticket stalls, it would be likely that they would only sell their own tour tickets unless reciprocal agreements were put in place, however, they would be interested in selling walking tours and bike tours.

Applicant 2

Mr. F. Brown, who was then admitted to the meeting, explained that he had held a Stationary Street Trading Licence since January, 2007, in Lombard Street near the junction with High Street. He advised that he had a 100 per cent attendance record and wished to open another small stall on Fountain Street as an information stall, selling tours. He suggested that, if the application was successful, it would create a full time job for his son.

Applicant 3

Mr. M. Kerr, the third applicant, was thereupon welcomed to the meeting.

The Democratic Services Officer read a letter which Mr. Kerr had prepared in relation to the family history of the stall. It stated that his family had previously worked the pitch and it had sentimental value to Mr. Kerr. It was reported that Mr. Kerr was very familiar with the site and would like the opportunity to build up his business again.

Mr. Kerr indicated that he wished to sell all types of tours, souvenirs and seasonal stock. He pointed-out that he was currently unemployed and if his application was successful, it would provide him with an income to support his family.

After discussion, the Committee, in its capacity as Licensing Authority, agreed, in view of the fact that he did not hold a Stationary Street Trading Licence currently and that he proposed to sell a mix of products, that it was minded to grant to Mr. S. Donnelly, a Stationary Street Trading Licence, on a one-year trial basis, permitting him to sell tour tickets and tour memorabilia on a Monday to Sunday between the hours of 9.00 a.m. and 5.00 p.m., in Fountain Street, at a site which had been designated previously for the sale of those commodities, subject to:

- i. the applicant providing all necessary documentation;
- ii. the receipt of the appropriate licensing fees; and

As a consequence of the decision to grant the Licence to Mr. Donnelly and the fact that there was only one designated site available, the Committee agreed that it was minded to refuse the applications which had been submitted by Mr. Brown and Mr. Kerr, on the grounds set out in Sections 9(1) (a) (i) and (iv) of the Street Trading Act (Northern Ireland) 2001, namely, that the location at which they wished to trade was unsuitable and that there were sufficient traders trading at that location in the articles, things or services in which they wished to trade.

The Building Control Manager informed the Members that the unsuccessful applicants would be advised that, in accordance with the Street Trading Act (Northern Ireland) 2001, they would be permitted to make written representation to the Council within twenty-one days from the date of notice.

Renewal of a Stationary Street Trading Licence

The Committee was reminded that, at its meeting on 10th April, it had agreed that it was minded to use its discretionary power to refuse to renew Mr. J. Kerr's Stationary Street Trading Licence which allowed him to trade in Fountain Lane (45ft from its junction with Donegall Place).

The Building Control Manager provided an overview of Mr. Kerr's trading history and confirmed that Mr. Kerr had not paid his Licence fees since 4th December, 2018 and was not engaging with the Council to settle his debt despite numerous efforts the Council had made to contact him. He noted that Mr. Kerr currently owed the Council £3,098.34.

He reported that Mr. Kerr had been invited to attend this meeting. However, he had, earlier in the day, confirmed that as he was not in the country until Wednesday, 21st August and suggested that he would pay his bill then, however, would not be present at the meeting.

After discussion, given the history of Mr. Kerr's previous deferrals and that he had neglected to pay fees due to the Council, the Committee agreed to affirm its decision to refuse the renewal of the Stationary Street Trading Licence held by Mr. Joseph Kerr in respect of the designated site at Fountain Lane on the grounds that he had, without reasonable excuse, failed to avail himself to a reasonable extent of his Licence and without reasonable explanation, failed to pay any fees or charges due to the Council.

Non-Delegated Matters

Institute of Licensing National Training Event

The Committee was reminded that the Institute of Licensing was the professional body for licensing practitioners in local government, the police, private sector, trade and the legal profession. The Institute, which operated throughout England, Scotland, Wales and Northern Ireland, had been established to provide education and training and to disseminate knowledge in all matters relating to licensing.

The Committee was reminded further that Belfast was a Corporate Member affiliated to the Northern Ireland Region of the Institute and that Mr. J. Cunningham, the Council's Regulatory Services Manager, was the chairman of the Institute of Licensing (Northern Ireland Region) and a Director and Trustee of the Institute.

The Building Control Manager reported that, this year, the Institute would be holding its National Training Conference in Stratford-Upon-Avon from Wednesday 20th till Friday 22nd November. He referred to a number of topics which would be covered over the course of the event and pointed out that it would provide Elected Members and officers with an opportunity to meet with other licensing professionals and to obtain an update on changes within the licensing sector. Accordingly, he recommended that the Committee approve the attendance at the conference of the Chairperson, the Deputy Chairperson, the Director of Planning and Building Control and the Building Control Manager (or their nominees), and approve also Mr. Cunningham's attendance, in recognition of his role as the chairman of the Northern Ireland Region. Mr. Cunningham's residential fee would be paid for by the Institute of Licensing.

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The Committee adopted the recommendations and agreed that a report be submitted to a future meeting in relation to the changes and developments within the licensing sector.

Chairperson