



<b>Subject:</b>	<b>Application for the Grant of a Temporary Street Trading Licence - Lower Garfield Street</b>
<b>Date:</b>	21st October, 2015
<b>Reporting Officer:</b>	Trevor Martin, Head of Building Control, Ext 2450
<b>Contact Officer:</b>	Stephen Hewitt, Building Control Manager, Ext 2435

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

<b>1.0</b>	<b>Purpose of Report/Summary of main Issues</b>
1.1	To consider an application for the grant of a Temporary Street Trading Licence from Mr. Brian McGeown, the licensee of 'Aether and Echo', 1-3 Lower Garfield Street, Belfast.
1.2	Mr. McGeown proposes to sell alcoholic and non alcoholic beverages outside his premises on Lower Garfield Street on 6 <sup>th</sup> and 7 <sup>th</sup> November. 2015 from 7.00 p.m to 11.00 p.m during a music event being held and organised by him.
1.3	To enable Mr McGeown to apply to the Petty Sessions Court for the Occasional Liquor Licence, he must demonstrate that he has permission to use the land to trade; authority for which is given through obtaining a Temporary Street Trading Licence.
1.4	The Council's Bye-Laws regarding the consumption of intoxicating liquor in designated places do not have effect where intoxicating liquor is consumed at a function for which an Occasional Liquor Licence has been granted.
1.5	Lower Garfield Street is regarded as a no through vehicular route with Aether and Echo being the prime business on this short street.
1.6	Mr. McGeown's event will include the erection of a stage outside his premise at the junction of North Street and Lower Garfield Street. The stage will face into Lower Garfield Street so as not to be a distraction to traffic on Lower North Street.
1.7	The event site will not restrict access to the rear passageway running from Lower Garfield Street parallel to Royal Avenue, which services the premises fronting Royal Avenue.
1.8	Mr. McGeown has also agreed with the PSNI and Transport N.I. that unrestricted pedestrian passage to Lower North Street using pedestrian barriers will be maintained.

1.9	To accommodate the erection of the stage and barriers they will apply for 'consent' to Transport N.I. for the placing of the structure so that Transport N.I. are covered for possible damage to the surface of the street.
1.10	Members are advised that this type of event falls outside the scope of legislation governing Outdoor Entertainment Licensing, as it is being held on the public street. However, Officers of the Service will work with the licensee to ensure when the event is being held that it will not adversely impact upon his indoor Entertainments Licence for the premise.
1.11	The applicant requires a Street Trading Licence to permit him to apply for an Occasional Liquor Licence to sell alcohol on the street during the event.
1.12	Members are reminded that the Committee have previously granted Mr McGeown Temporary Street Trading Licences at previous meetings of the Licensing Committee on the 21 <sup>st</sup> January and 16 <sup>th</sup> September 2015, for the sale of alcohol at a similar event in Lower Garfield Street.
1.13	A map of the proposed site is attached at Appendix 1.

<b>2.0</b>	<b>Recommendations</b>
2.1	Taking into account the information presented and any representations received the Committee is requested to consider the application and decide to: <ol style="list-style-type: none"> <li>1. Grant and approve the licence, or</li> <li>2. Grant and approve the licence with additional conditions, or</li> <li>3. Refuse the application.</li> </ol>
2.2	Members may attach any reasonable conditions when granting a licence.
2.3	Should you be of a mind to refuse the application you are required to advise the applicant of your intention to do so.
2.4	If the application is refused the applicant may appeal the Council's decision within 21 days of notification of that decision to the Magistrates Court.

<b>3.0</b>	<b>Main report</b>
	<b><u>Key Issues</u></b>
3.1	Section 14 of the Street Trading Act (N.I.) 2001 permits the Council to issue a Temporary Licence where a full-term licence may not be appropriate, for example, for special events such as festivals, fairs, etc.
3.4	In recognition of the possibility that applications may need to be processed quickly and due to the ad-hoc nature of the events for which a Temporary Licence is designed to cater the wording of the legislation permits a wide degree of discretion to the Council.
3.5	The Council is given the discretion to permit trading at any place or in any manner and has the discretion to permit trading in such goods or services it considers appropriate.

3.6	Under the Act, the Council is required to develop criteria for making decisions on applications for a Temporary Licence. The Council is free to set the criteria it considers appropriate, for example, the types of occasions/events, the types of trading, the size/number of stalls, the positioning of stalls, etc.
3.7	Members are advised that the Council, through the former Health and Environmental Services Committee, had previously agreed a Policy in 2001 with respect to the granting of Temporary Licences. A copy of the Policy is attached at Appendix 2.
3.8	The Council may also attach any Conditions it considers appropriate to the grant of a Temporary Licence. These may be similar to those which the Council might attach to a full term licence but the Act allows the freedom to respond to the special nature of such licences with different rules.
3.9	A Temporary Licence cannot be granted for a period exceeding 7 days and the Council can issue no more than five Temporary Licences to any person in any year.
	<b><u>Consultation</u></b>
3.10	The PSNI, Transport N.I. and Belfast City Centre Management were consulted about the application and all have confirmed that they have no objections. Their responses are attached at Appendix 3.
	<b><u>Process</u></b>
3.11	The applicant has been invited to appear before Committee and make a brief representation on matters such as how the event will be operated, the design of the provision being installed and address any concerns associated with the proposal.
	<b><u>Financial and Resource Implications</u></b>
3.12	If the licence is granted, the Temporary Street Trading Licence fee is £182.
	<b><u>Equality or Good Relations Implications</u></b>
3.13	There are no equality or good relations issues.

<b>4.0</b>	<b>Documents Attached</b>
	<p>Appendix 1 - Proposed Site Map</p> <p>Appendix 2 – Temporary Street Trading Policy</p> <p>Appendix 3 – Consultation responses : PSNI, BCCM and Transport NI</p>