

**Designating Resolutions for New Street Trading Sites/Variation of Existing Sites**

The Committee considered the undernoted report:

**“1 Relevant Background Information**

- 1.1 **Members will recall that, at your meeting on 22nd January, you granted approval to initiate the statutory process for designating four new Street Trading Sites. These sites have been identified as a result of applications or expressions of interest received from individuals wishing to trade from new sites.**
- 1.2 **One of the four sites was at the shop forecourt of 60 Ballysillan Park but this was subsequently withdrawn by the applicant after the January meeting. That was because the landowner of the forecourt had withdrawn their application to the Planning Service to use their land for a hot food van and, as such, the proposal was not pursued.**
- 1.3 **The Committee also granted approval to initiate the statutory process for varying the commodities at two sites which had already designated.**
- 1.4 **This process included seeking comments from interested parties, including relevant statutory bodies, through public advertisement and consultation.**
- 1.5 **The Street Trading Act (N.I.) 2001 requires the Council to make sure that each application is fairly and objectively assessed, that all relevant factors are considered and in doing so, the Council must consult with:**

- a) The Police Service of Northern Ireland, and
- b) The Department for Regional Development Roads Service.

1.6 The Council may also consult other persons as it considers appropriate. Such consultees may include the following:

- a) Planning Service.
- b) Relevant Belfast City Council Departments.
- c) Belfast City Centre Management Company.
- d) Nearby Street Trading Licence holders who may be affected.
- e) Neighbourhood consultation with local residents, business and commercial premises in the vicinity of the site in respect of which the application has been received.

1.7 Subsequently, the Service has received responses to the applications from a variety of interested parties and individuals. The purpose of this report is to enable the Committee to consider each of the proposals in conjunction with any submissions received and make a decision on whether or not to designate each site.

## 2 Key Issues

2.1 Each site is listed separately from A to E and indicated with their specific site location. Where appropriate, the commodities are also considered in addition to a synopsis of the comments received during the consultation period. Copies of all the responses have been forwarded to Members. Maps and photographs of each location will be presented to you at your meeting.

2.2 Members should consider if they wish to approve a designating resolution to designate the whole street or part of the street (site/s) where they may allocate street trading pitches, any commodity or service that may be offered and any restriction on the commodity or service that may be provided.

2.3 After considering all of the comments Members may also record any reasonable conditions that should be applied to a subsequent licence. For example, the hours of trade, days of trade, duration of licence, etc.

**Site A: Donegall Square North/East Junction outside City Hall**

- 2.4 The proposal is for hot and cold non-alcoholic beverages, confectionery and cold food or similar commodities. The site will operate during the day. The proposed size of the site is 3.1 metres in length and 2 metres in width and is located off the carriageway.

**Police Service of Northern Ireland**

- 2.5 The PSNI states that careful consideration needs to be given to the commodities offered, in particular, if tour bus tickets are granted this may present a potential issue. They also note that objections will be presented by Belfast City Centre Management.

**DRD Roads Service**

- 2.6 Roads Service has no objection to the site but has requested that the commodity permitted should be restricted to goods which will not encourage vehicles to stop to purchase them.

- 2.7 It has also requested that the goods permitted should minimise any vehicles required to service the site.

**Published 28 day Notice**

- 2.8 No responses were received to the notice.

**Other Consultees**

**DSD City Centre Regeneration Directorate**

- 2.9 The DSD has no comment or objections.

**DOE Planning Service**

- 2.10 The Planning Service does not wish to make any representation. They have previously stated that The Planning Order (NI) 1993 allows for licensed street markets and trading for the number of days specified in the Street Trading Licence.

- 2.11 It has advised that Planning Permission is not normally required if these are adhered to including the stall not becoming a permanent fixture and is removed when not in use.

**Belfast City Council Facilities Management Civic HQ**

- 2.12 Facilities Management has concerns about additional litter and state there are issues with young people gathering around the City Hall and they are concerned that the street trading site may attract more young people to gather around City Hall. They are concerned about the quality and standard of any future stall which is licensed as it must be in keeping with the City Hall as a 'Grade A' listed building.
- 2.13 They also advise that there needs to be the flexibility of removing the site in the event of other events or VIP visits, etc. Also at events that have catering in the grounds of City Hall it would be important that these new sites are flexible as if not and they are able to trade on the boundary of the grounds it would potentially negate these event traders being present.
- 2.14 Members are advised that there is currently no power contained within the Act to suspend a Designation or a Licence for any period.

**Belfast City Council Events**

- 2.15 The Events Unit have concerns regarding this site. They state that if the site is granted pitches must be closed and moved if and when events are being run so they will not interfere with those events.

**Belfast City Centre Management and Chamber of Trade and Commerce**

- 2.16 BCCM is opposed to the sale of any commodities that are already widely available within proximity of this location. This includes (but not exclusively) cold food, snacks, confectionery, ice cream, hot and cold non-alcoholic beverages, printed media and souvenirs.
- 2.17 Within the scope of Donegall Square, Donegall Place, Callender Street and Chichester Street, it is the view of BCCM that this location is already very well serviced in the provision of the aforementioned commodities. Consideration and priority should be given to commodities which would complement the geographical location but not to the detriment of existing traders.

**Translink**

- 2.18 No comment received.

**Site B: Dublin Road in front of Shaftsbury Square Reformed Presbyterian Church**

2.19 The proposal is for hot and cold non-alcoholic beverages, confectionery and cold food or similar commodities. The site will operate during the day. The proposed size of the site is 3.1 metres in length and 2 metres in width and is located off the carriageway.

**Police Service of Northern Ireland**

2.20 The PSNI has no objection to the proposal.

**DRD Roads Service**

2.21 The footway immediately in front of the building at this site is not within the public road network and DRD have no objection to the proposed site. However they have suggested that the commodity should be carefully chosen so as not to encourage vehicles to stop to purchase them.

**Published 28 day Notice**

2.22 No responses were received to the notice.

**Other Consultees**

**DSD City Centre Regeneration Directorate**

2.23 The DSD has no comment or objections to the proposal.

**DOE Planning Service**

2.24 The Planning Service does not wish to make any representation. It has previously stated that The Planning Order (NI) 1993 allows for licensed street markets and trading for the number of days specified in the Street Trading Licence.

2.25 They have advised that Planning Permission is not normally required if these are adhered to including the stall not becoming a permanent fixture and is removed when not in use.

**Shaftsbury Square Reformed Presbyterian Church**

2.26 The church are opposed to the designation as it is on their property. Although it may appear to be the public footpath the area is unadopted and they have plans to develop this area as

part of a project to provide disabled access to the front of the church.

**Belfast City Centre Management and Chamber of Trade and Commerce**

2.27 BCCM is opposed to the sale of any commodities that are already widely available within proximity of this geographical location.

2.28 They have suggested that consideration and priority should be given to commodities which would complement the geographical location but not to the detriment of existing traders. They further advise that consideration when determining the nature of the commodity should also be given to sensitivities relating to, and concerns of, local places of worship.

**Translink**

2.29 No comment received.

**Site C: Donegall Square North – front of City Hall gates (additional site)**

2.30 The proposal is for the sale of crepes and hot and cold non-alcoholic beverages from a traditional tricycle, the site will operate during the day. The proposed size of the site is 3 metres in length and 1.5 metres in width.

**Police Service of Northern Ireland**

2.31 The PSNI states that this area is used frequently for events, protests and parades and the addition of this permanent Street Trading site would be problematic. They also note that objections will be presented by Belfast City Centre Management.

**DRD Roads Service**

2.32 No objection

**Published 28 day Notice**

2.33 No responses were received to the notice.

**Other Consultees**

**DSD City Centre Regeneration Directorate**

2.34 The DSD has no comment or objections to the proposal.

**DOE Planning Service**

2.35 The Planning Service does not wish to make any representation. They have previously stated that The Planning Order (NI) 1993 allows for licensed street markets and trading for the number of days specified in the Street Trading Licence.

2.36 It has advised that Planning Permission is not normally required if these are adhered to including the stall not becoming a permanent fixture and is removed when not in use.

**Belfast City Council Facilities Management Civic HQ**

2.37 Facilities Management have concerns about additional litter and state there are issues with young people gathering around the City Hall and they are concerned that the street trading site may attract more young people to gather around City Hall. They are concerned about the quality and standard of any future stall which is licensed as it must be in keeping with the City Hall as a 'Grade A' listed building.

2.38 They also advise that there needs to be the flexibility of removing the site in the event of other events or VIP visits, etc. Also at events that have catering in the grounds of City Hall it would be important that these new sites are flexible as if not and they are able to trade on the boundary of the grounds it would potentially negate these event traders being present.

2.39 Members are advised that there is currently no power contained within the Act to suspend a Designation or a Licence for any period.

**Belfast City Council Events**

2.40 The Events Unit have concerns regarding this site. They state that if the site is granted pitches must be closed and moved if and when events are being run so they will not interfere with those events.

**Belfast City Centre Management and Chamber of Trade and Commerce**

- 2.41 BCCM is opposed to the sale of crepes and hot and cold non-alcoholic beverages from the traditional tricycle. They suggest that Donegall Square is already very well represented by businesses which already provide hot and cold non-alcoholic beverages.
- 2.42 Within Donegall Square's North, East and West, there are at least 9 premises which currently sell similar products. It is therefore the view of BCCM that this area is very well serviced in the provision of the aforementioned commodities.

**Translink**

- 2.43 No comment received.

**Site D: Donegall Square North at the front gates of City Hall (variation of commodities)**

- 2.44 The current commodity is the selling of ice cream from a traditional tricycle. The proposal is to include the additional commodities of hot and cold non-alcoholic beverages.

**Police Service of Northern Ireland**

- 2.45 The PSNI state that this area is used frequently for events, protests and parades and the continuation of this permanent Street Trading Site would be problematic. They also note that objections will be presented by Belfast City Centre Management.

**DRD Roads Service**

- 2.46 The Roads Service has no objection to the proposal.

**Published 28 day Notice**

- 2.47 No responses were received to the notice.

**Other Consultees**

**DSD City Centre Regeneration Directorate**

- 2.48 The DSD has no comment or objections to the proposal.



**DOE Planning Service**

- 2.49 The Planning Service does not wish to make any representation. It has previously stated that The Planning Order (NI) 1993 allows for licensed street markets and trading for the number of days specified in the Street Trading Licence.
- 2.50 It has advised that Planning Permission is not normally required if these are adhered to including the stall not becoming a permanent fixture and is removed when not in use.

**Belfast City Council Facilities Management Civic HQ**

- 2.51 Facilities Management have concerns about additional litter and state there are issues with young people gathering around the City Hall and they are concerned that the street trading site may attract more young people to gather around City Hall. They are concerned about the quality and standard of any future stall which is licensed as it must be in keeping with the City Hall as a 'Grade A' listed building.
- 2.52 They also advise that there needs to be the flexibility of removing the site in the event of other events or VIP visits, etc. Also at events that have catering in the grounds of City Hall it would be important that these new sites are flexible as if not and they are able to trade on the boundary of the grounds it would potentially negate these event traders being present.
- 2.53 Members are advised that there is currently no power contained within the Act to suspend a Designation or a Licence for any period.

**Belfast City Council Events**

- 2.54 The Events Unit have concerns regarding this site. They state that if the site is granted pitches must be closed and moved if and when events are being run so they will not interfere with those events.

**Belfast City Centre Management and Chamber of Trade and Commerce**

- 2.55 BCCM is opposed to the sale of hot and cold non-alcoholic beverages from the traditional tricycle. They suggest that Donegall Square is already very well represented by businesses which already provide hot and cold non-alcoholic beverages.

- 2.56 Within Donegall Square's North, East and West, there are at least 9 premises which currently sell hot and cold non-alcoholic beverages. It is therefore the view of BCCM that this area is very well serviced in the provision of the aforementioned commodities.

**Site E: Castle Place opposite 'Donegall Arcade' (variation of commodities)**

- 2.57 Current designation allows the Council to determine what commodity is offered, but excludes the sale of hot food and bus tour tickets. The proposal is to allow for the sale of bus tour tickets.

**Police Service of Northern Ireland**

- 2.58 The PSNI states that the selling of bus tour tickets is a contentious issue. There is ongoing negotiations between the tour companies and Belfast City Centre Management as to where these vendors should be sited. They have suggested that any extension of commodities to include tour tickets should be deferred until a clear decision is reached from this negotiation process.

**DRD Roads Service**

- 2.59 The Roads Service has no objection to the proposal.

**Published 28 day Notice**

- 2.60 No responses were received to the notice.

**Other Consultees**

**DSD City Centre Regeneration Directorate**

- 2.61 The DSD has no comment or objections to the proposal.

**DOE Planning Service**

- 2.62 The Planning Service does not wish to make any representation. They have previously stated that The Planning Order (NI) 1993 allows for licensed street markets and trading for the number of days specified in the Street Trading Licence.

- 2.63 They have advised that Planning Permission is not normally required if these are adhered to including the stall not becoming a permanent fixture and is removed when not in use.

**Belfast City Centre Management and Chamber of Trade and Commerce**

- 2.64 BCCM is opposed to the sale of bus tour tickets at this location or any other mobile location within Belfast city centre.

**Translink**

- 2.65 Translink objects to the sale of bus tour tickets at this location as there is a bus stop for Ulsterbus and Metro services 61, 64, 64b, 96. They believe the congestion that could arise at the stall with the sale of bus tour tickets could impinge on their customers and bus operations.

**Decision**

- 2.66 The Committee should now decide whether or not to approve the additional three sites by varying the number of designated sites in the designating resolution and any restriction to be placed on the commodity or service to be provided as part of the designation resolution.
- 2.67 Members are reminded that once the site becomes designated you will subsequently have to consider any future application received for a street trading licence on the site.
- 2.68 At that time, you will assess the suitability and quality of the proposal and may decide to grant or refuse a licence within the requirements of the Act. Any licence granted may also be subject to reasonable conditions which can be used to control the commodities being sold, and potential nuisance, etc.

**3 Resource Implications**

**Financial**

- 3.1 The cost of all notices is included in current revenue budgets. The required notice to confirm the designation will cost approximately £5,000 as it must be placed in two newspapers for two consecutive weeks. This requirement is contained in the Street Trading Act (N.I.) 2001. The Council's policy is that all notices are placed in the three main papers.

**Human Resources**

- 3.2 The administration of Street Trading Designation applications and the process of consultation can be accommodated by staff within the Service.

**Asset and Other Implications**

3.3 There are no implications.

4 **Equality and Good Relations Considerations**

4.1 There are no equality or good relations issues.

5 **Recommendations**

5.1 Based on the evidence presented regarding the proposed designation of each of the three streets or part thereof (sites A-C) and the variation of commodities for existing sites (sites D & E), the Committee is asked to consider each proposal in turn and to decide whether to:

1. approve a Designating Resolution to designate the whole street or part of the street (site/s) where it may allocate street trading pitches for sites A-C. 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. approve the variation of the Designating Resolution at sites D and E. 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.

3. decide not to proceed with any or all of the Designating Resolutions or variations.

5.2 In addition to making any Designating Resolution, Members may, having considered all 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.”

The Committee then proceeded to consider the following locations:

**Designation of Sites**

**Donegall Square North (East Junction outside City Hall)**

(Hot and cold non-alcoholic beverages, confectionery and cold food or similar commodities)

The Committee, having considered the comments which had been received, agreed not to designate the above-mentioned site, on the grounds that:

- i. the City Hall was a Listed Building and an iconic image of Belfast which needed to be protected;
- ii. the front of the City Hall was being used increasingly to stage events and the Street Trading legislation did not provide for the Council to suspend a Designated Site or Street Trading Licence for the duration of those events; and
- iii. the area was already well serviced in the type of commodities to be offered for sale.

**Dublin Road (in front of Shaftesbury Square Reformed Presbyterian Church)**

(Hot and cold non-alcoholic beverages, confectionery and cold food or similar commodities)

The Committee, having taking into account the comments which had been received, agreed not to designate the above-mentioned site, on the grounds that it was located on land which was under the ownership of the Shaftesbury Square Reformed Presbyterian Church.

**Donegall Square North (in front of City Hall Gates)**

(Sale of crepes and hot and cold non-alcoholic beverages)

The Committee, having considered the comments which had been received, agreed not to designate the above-mentioned site, on the grounds that:

- i. the City Hall was a Listed Building and an iconic image of Belfast which needed to be protected;
- ii. the front of the City Hall was being used increasingly to stage events and the Street Trading legislation did not provide for the Council to suspend a Designated Site or Street Trading Licence for the duration of those events; and
- iii. the area was already well serviced in the type of commodities to be offered for sale.

**Variation of Commodities**

**Donegall Square North (at front gates of City Hall)**

The Committee agreed, in view of the fact that the above-mentioned site had been licensed for a number of years, to vary the Designating Resolution to include the sale of hot and cold non-alcoholic beverages, with the Resolution to take effect from 30th June, 2014.

The Committee requested that officers monitor the impact of the presence of this stall upon events taking place at the front of the City Hall and confirmed that it would take any issues into account when considering the renewal of the Licence in April, 2015.

**Donegall Square North (at front of City Hall close to its junction with Donegall Square West)**

Arising from discussion in the foregoing application, the Head of Building Control confirmed that a Street Trading Licence for the sale of drawings of listed buildings in Belfast, books, pamphlets and postcards at the above-mentioned location had not been renewed since its expiry in November, 2013.

Accordingly, the Committee agreed, given that it had agreed not to designate two additional sites at the front of the City Hall, that consideration be given to rescinding the Designating Resolution for this site and authorised officers to draft a policy for use in assessing future Street Trading applications in the vicinity of the City Hall.

**Castle Place (opposite Donegall Arcade)**

The Committee agreed to defer consideration of an application for the variation of the Designating Resolution for the above-mentioned site to provide for the sale of bus tour tickets, pending the outcome of a review which had been commissioned by the Development Department into sightseeing coach provision in the City.

Chairman