



Subject:	Consideration of Designating Resolutions for New Street Trading Sites/Variation of Commodities/Rescinding of Existing Street Trading Sites
Date:	18th May, 2016
Reporting Officer:	Mr. Stephen Hewitt, Building Control Manager, ext 2435
Contact Officer:	Mr. Patrick Cunningham, Assistant Building Control Manager, ext 6446

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

1.0	Purpose of Report
1.1	The Committee will recall that, last year, it granted approval to initiate the statutory process for designating a number of new Street Trading Sites in the City, which had been identified as a result of applications or expressions of interest received from individuals wishing to trade from new sites.
1.2	At that meeting, the Committee granted approval also to initiate the statutory process to vary the commodities at a site already designated and to consider the rescinding of another designated site.
1.3	This process involved seeking comments from interested parties, including relevant statutory bodies, through public advertisement and consultation.
1.4	The Street Trading Act (NI) 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 the: a) PSNI, and b) Department for Regional Development, Transport N.I.
1.5	The Council may also consult other persons as it considers appropriate. Such consultees may include the following: a) Relevant Belfast City Council Departments. b) Belfast City Centre Management Company. c) Nearby Street Trading Licence holders who may be affected. d) Local residents, business and commercial premises in the vicinity of the site in respect of which the application has been received.

1.6	Subsequently, the Service has received responses to the applications from a variety of interested parties and individuals.
1.7	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.
2.0	Recommendations
2.1	<p>Based on the information presented, the Committee is requested to consider each proposal in turn and to decide whether to:</p> <ol style="list-style-type: none"> 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-E. The Designating Resolution will include the operational date and may stipulate either: <ul style="list-style-type: none"> • 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 Site F. The Designating Resolution will include the operational date and may stipulate either: <ul style="list-style-type: none"> • 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. approve the rescinding of the Designating Resolution at Site G. 4. decide not to proceed with any or all of the proposals.
2.2	In addition to making any Designating Resolution, the Committee may, having considered all comments, record any reasonable conditions that should be applied to a subsequent licence. For example, these may include hours of trade, days of trade, duration of licence, etc.
2.3	Members are reminded that, once the sites become designated, you will subsequently have to consider any applications that may be received for a Street Trading Licence on any of the sites.
2.4	At that time, you will assess the suitability and quality of the proposals and may decide to grant or refuse a licence within the requirements of the Act. Any Street Trading Licence granted may also be subject to reasonable conditions which can be used to control the commodities being sold, and potential nuisance, etc.

3.0	Main report
	<p data-bbox="258 219 416 248"><u>Key Issues</u></p> <p data-bbox="150 275 1378 304">3.1 Each site is listed separately from A to G and indicated with their specific site location.</p> <p data-bbox="150 331 1437 427">3.2 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 are also contained within the attached appendix.</p> <p data-bbox="150 465 1310 495">3.3 Maps and photographs of each location will be presented to you at your meeting.</p> <p data-bbox="655 533 1043 562" style="text-align: center;"><u>New Streets or Part Thereof</u></p> <p data-bbox="258 600 363 629"><u>SITE A</u></p> <p data-bbox="258 667 1406 763">Hillview Road – Site situated on the left hand side of the road approximately 70m from the Hillview retail park entrance heading in the direction of the Oldpark Road (1 site)</p> <p data-bbox="150 801 1437 898">3.4 The proposal is for hot and cold food, non-alcoholic beverages, confectionery or similar commodities. The site will operate during the day. The proposed size of the site is 6 metres in length and 2.5 metres in width and is located on the carriageway.</p> <p data-bbox="258 936 331 965"><u>PSNI</u></p> <p data-bbox="150 1003 432 1032">3.5 No objection.</p> <p data-bbox="258 1070 517 1099"><u>DRD Transport N.I</u></p> <p data-bbox="150 1137 432 1167">3.6 No objection.</p> <p data-bbox="258 1205 603 1234"><u>Published 28-day Notice</u></p> <p data-bbox="150 1272 810 1301">3.7 No responses were received to the notice.</p> <p data-bbox="258 1339 363 1368"><u>SITE B</u></p> <p data-bbox="258 1406 1289 1435">Cliftonville Road – Site situated in a lay-by opposite numbers 95 to 99 (1 site)</p> <p data-bbox="150 1473 1437 1570">3.8 The proposal is for hot and cold food, non-alcoholic beverages, confectionery or similar commodities. The site will operate during the day. The proposed size of the site is 6 metres in length and 2.5 metres in width and is located on the carriageway.</p> <p data-bbox="258 1608 331 1637"><u>PSNI</u></p> <p data-bbox="150 1675 432 1704">3.9 No objection.</p> <p data-bbox="258 1742 517 1771"><u>DRD Transport N.I</u></p> <p data-bbox="150 1809 432 1839">3.10 No objection.</p> <p data-bbox="258 1877 603 1906"><u>Published 28-day Notice</u></p> <p data-bbox="150 1944 810 1973">3.11 No responses were received to the notice.</p>

SITE C

Queen's Quay – Site situated beside Lagan Weir foot bridge (3 sites)

- 3.12 This site is currently owned by DSD Regeneration Directorate. DSD proposed the three new sites as an extension to six sites already in operation at Donegall Quay on the other side of the Lagan Weir footbridge. Commodities are yet to be determined. Any subsequent Street Trading Licence will be in agreement with the DSD.

PSNI

- 3.13 No objection.

DRD Transport N.I

- 3.14 Transport N.I. has no objection in principle, however, it has concerns about how these pitches will be serviced. Members are advised that we will liaise with Transport N.I. about these concerns at any subsequent licensing stage should you be minded to approve the Designating Resolution.

Published 28-day Notice

- 3.15 No responses were received to the notice.

SITE D

220 Stewartstown Road – Site situated within car park (1 site)

- 3.16 The proposal is for the sale of wet fish. The site will operate during the day. The proposed size of the site is 6 metres in length and 2.5 metres in width and is located on the carriageway.

PSNI

- 3.17 No objection.

DRD Transport N.I

- 3.18 No objection.

Published 28-day Notice

- 3.19 No responses were received to the notice.

Other Consultees

- 3.20 The owner of the carpark, Lagmore Developments, has given permission to use the carpark for the sale of wet fish.

SITE E

Mountpottinger Link – Site situated at the junction with Mountpottinger Road, on the left hand side of the road on the foot path (1 site)

- 3.21 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 6 metres in length and 2.5 metres in width and is located on the carriageway.

PSNI

- 3.22 No objection.

DRD Transport N.I

- 3.23 As the proposal indicates the street trading pitch to be on the footway, the DRD has advised that it would be opposed to any application that would permit a vehicle to park on the footway. Servicing on this site needs to be considered, as there is a prohibition of any vehicles parking within 15 metres of the junction of three roads. This prohibition also includes a ban on loading and unloading.

Published 28-day Notice

- 3.24 One response was received to the notice. A local business known as 'Mamies', a convenience store on Mountpottinger Road, is objecting as they feel that the site would be very detrimental not only to their business but to all the other shops within 100metres of this site.

Variation of Commodities

SITE F

Lombard Street – Site situated at the junction with Rosemary Street beside the flower planter

- 3.25 The current designated site allows for the commodity to be determined but excludes the sale of food and beverage products of any nature. The proposal is to allow for ice cream, crepes and hot and cold non-alcoholic beverages.

PSNI

- 3.26 No objection.

DRD Transport N.I

- 3.27 Transport N.I has no objection as long as any subsequent licence is for a stall and not a vehicle.

Published 28-day Notice

- 3.28 No responses were received to the notice.

Other Consultees

- 3.29 Belfast City Centre Management has objected to the variation. It has advised that there are already eight food and drink rate paying establishments within the radius of Lombard Street and Rosemary Street including:

- Clements Café
- Sarnies
- Arthurs Café
- Deli-lites
- Café Nero
- Café Uno
- Blu restaurant
- Blinkers Restaurant

3.30 BCCM considers that the same service is already being provided by these businesses.

Rescinding of Designation

SITE G

Donegall Square North – Site situated at front of City Hall close to its junction with Donegall Square West

3.31 The current designation allows for the commodity to be determined but excluding the sale of hot food and bus tour tickets.

3.32 Members are advised that at a meeting of the Licensing Committee on the 16th April 2014, the Committee considered varying the commodities at the previously designated site at Donegall Square North (at front of City Hall close to its junction with Donegall Square West).

3.33 Following the comments that were received during that consultation and also due to the fact that this site was unlicensed since November 2013, Members asked that consideration should be given to rescinding the Designating Resolution for this site.

PSNI

3.34 No objection.

DRD Transport N.I

3.35 No objection.

Published 28-day Notice

3.36 One response was received to the notice from Mr Des Grehan. Members may be aware that Mr Grehan was the previous licensee at this location. He has written to the Council stating that he believes that street trading should be retained for the following reasons:

1. There is no other location where local art can be displayed so prominently in the streets of Belfast;
2. The location is on a tourist route;
3. Quality art and artefacts are a good advertisement for Belfast;
4. The location acts as tourist information hub.

Other Consultee

3.37 Belfast City Centre Management made no comment.

3.38	<p><u>Financial and Resource Implications</u></p> <p>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 three newspapers for two consecutive weeks.</p> <p><u>Equality or Good Relations Implications</u></p>
3.39	<p>There are no equality or good relations issues.</p>
4.0	Documents Attached
	Copies of correspondences received