



Subject:	Applications for Temporary Street Trading Licences – Tennents Vital Event
Date:	17th August, 2016
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 6446
Contact Officer:	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 or Summary of Main Issues
1.1	To consider four Temporary Street Trading Licence applications on the Boucher Road during the operation of the Tennents Vital event on 25th and 26th August 2016.
1.2	Two applications are from the same applicant and the other two are from separate applicants. Application 1
1.3	Mr. David Reilly has applied to operate a hot food trailer measuring 6m by 2m within the car park area at 52 Boucher Road, which is the Uno Modern Living unit and sells home furniture.
1.4	The applicant intends to sell hot food and non-alcoholic beverages to members of the public from 9.00 am to 1.00 am on the 25th and 26th August 2016. Application 2
1.5	Mr. Chris Hamill has applied to operate a hot food trailer measuring 6m by 2m at the entrance into 54 Boucher Road, which is the Ulster Bank unit.
1.6	The applicant intends to sell hot food and non-alcoholic beverages to members of the public from 3.00 pm to 12.00 am on the 25th and 26th August 2016. Application 3
1.7	Mr. Chris Hamill has made a second application to operate another hot food trailer measuring 6m by 2m on Boucher Road from a grass area in front of the old Council Civic Amenity site.

1.8	<p>The applicant intends also to sell hot food and non-alcoholic beverages to members of the public from 3.00 pm to 12.00 am on 25th and 26th August 2016.</p> <p>Application 4</p>
1.9	Mr. Brian Canavan of Euroflowers, 95-97 Boucher Road, has made an application to operate a stall directly at the front of the entrance into the unit on his land.
1.10	The applicant intends to sell confectionary and non-alcoholic beverages to members of the public from 3.00 pm to 10.00 pm on 25th and 26th August 2016.
1.11	Maps showing the location of the proposed sites are attached at Appendix 1.
2.0	Recommendations
2.1	<p>Taking into account the information presented and any representations received you are required to make a decision on each individual application to either:</p> <ol style="list-style-type: none"> 1. grant and approve any or all of the Temporary Street Trading Licences, or 2. grant and approve any or all of the Temporary Street Trading Licences with additional conditions, or 3. refuse some or all of the applications.
2.2	Members may attach any reasonable conditions when granting a licence.
2.3	Should you be of a mind to refuse any of the applications, you are required to advise the applicants of your intention to do so.
2.4	If, subsequent to hearing the applicants, you refuse the applications, the applicants may appeal that decision to the County Court within 21 days of notification.
3.0	Main report
	<p><u>Key Issues</u></p> <p>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.</p> <p>3.2 In recognition of the possibility that applications may need to be processed quickly and because of 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.</p> <p>3.3 The Council is given the discretion to allow trading at any place or in any manner and has the discretion to permit trading in such goods or services as it wishes.</p> <p>3.4 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.</p>

3.5	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.
3.6	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.
3.7	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.
3.8	The applications have been assessed against the Council's Temporary Street Trading Policy and Members are advised that only one application from Mr Brian Canavan of Euroflowers does not fully comply with it, in that:
3.9	<p>The Temporary Street Trading Policy time period requires that applications must be received not less than 42 days before the date of the first day of the proposed event. The applications were received on the following dates:</p> <ul style="list-style-type: none"> • Application 1 – Mr David Reilly (52 Boucher Road, Uno Modern Living unit) 8th July. • Application 2 – Mr Chris Hamill (54 Boucher Road, Ulster Bank unit) 8th July. • Application 3 – Mr Chris Hamill (old Council Civic Amenity site) 8th July. • Application 4 – Mr Brian Canavan (95-97 Boucher Road, Euroflowers) 5th August.
3.10	Mr. Canavan's application has been received 20 days prior to the first concert of the Tennents Vital event. The 42 day period is a minimum amount of time required and is particularly important if there are objections which need Committee consideration.
3.11	However, the Council may consider such applications for Temporary Street Trading where this time period cannot be complied with.
3.12	Applications to permit Temporary Street Trading are normally at special events such as Christmas Lights Switch-on, New Year's Eve, Halloween Events, Festival & Civic Events, Community Organised Events and Cultural Parades/Events. Therefore, Mr Canavan's application is connected to such an event.
3.13	Furthermore, the Policy allows for Temporary Street Trading which adds colour, ambience, novelty and/or tradition in particular locations and/or may consider such applications in the context of seasonal/festive periods.
3.14	<p>In determining the suitability of each Temporary Street Trading Licence, 5.7 in the Policy allows the Council to take into account:</p> <ul style="list-style-type: none"> (a) the safety of the public and any risks which may arise. (b) the appropriateness and suitability of the street or part thereof and commodities in relation to the location. (c) the potential adverse impact that Temporary Street Trading may have upon the character and appearance of the area in question.

- (d) the extent to which the sale of the commodity will provide a useful service to the event or occasion not otherwise provided in the area;
- (e) the potential environmental effects such as additional litter, cleansing requirements, odour and noise.
- (f) the potential for the proposed said Temporary Street Trading Licence to have an adverse effect in terms of anti-social behaviour and public disorder.
- (g) any other Statutory provision which would be appropriate to consider;
- (h) previous complaints arising from any Street Trading activities in that street or part thereof.
- (i) the conditions pertaining to the event e.g. road closures, provision of marshals, off-street activities and venues, numbers of persons anticipated and age profile.
- (j) the number of Temporary Street Trading Licences already granted for a street or part thereof for a specified period and adequacy in the context of the commodity or service proposed to be offered.

Consultation

3.15

As part of the statutory process, officers have consulted with statutory agencies and those who may be affected by the applications, namely the promoter, MCD Productions for the Tennents Vital event.

Application 1 – Mr. David Reilly (52 Boucher Road, Uno Modern Living unit)

- Transport NI has confirmed that it has no objection to the application. A copy is attached at Appendix 3.
- PSNI has confirmed that it wishes to object to the application as the issues regarding the location of the sites, crowd safety and dispersal are a concern. A copy is attached at Appendix 4.
- MCD Productions have confirmed that it wishes to object to the application. A copy is attached at Appendix 5.
- The landowner of the car park has granted permission for the hot food unit to operate on the site during the proposed dates. A copy of this permission is attached at Appendix 6.

Application 2 – Mr. Chris Hamill (54 Boucher Road, Ulster Bank unit)

- Transport NI has confirmed that it has no objection to the application. A copy is attached at Appendix 3.
- PSNI has confirmed that it wishes to object to the application as the issues regarding the location of the sites, crowd safety and dispersal are a concern. A copy is attached at Appendix 4.
- MCD Productions has confirmed that it wishes to object to the application. A copy is attached at Appendix 5.
- At the time of writing this report, Mr Hamill has advised officers that he is currently in the process of applying for permission from the landowner who has not yet provided written permission to use the land. An update of this permission will be available to you at your meeting on 17th August.

Application 3 – Mr. Chris Hamill (old Belfast City Council Civic Amenity site)

- Transport NI has confirmed that it has no objection to the application. A copy is attached at Appendix 3.
- PSNI has confirmed that it wishes to object to the application as the issues regarding the location of the sites, crowd safety and dispersal are a concern. A copy is attached at Appendix 4.

	<ul style="list-style-type: none"> • MCD Productions has confirmed that it wishes to object to the application. A copy is attached at Appendix 5. • At the time of writing this report, Mr Hamill has advised officers that he is currently in the process of applying for permission from the landowner who has not yet provided written permission to use the land. An update of this permission will be available to you at your meeting on 17th August. <p>Application 4 – Mr. Brian Canavan (95-97 Boucher Road, Euroflowers)</p> <ul style="list-style-type: none"> • Transport NI has confirmed that it has no objection to the application. A copy is attached at Appendix 3. • PSNI has confirmed that it wishes to object to the application as the issues regarding the location of the sites, crowd safety and dispersal are a concern. A copy is attached at Appendix 4. • MCD Productions has confirmed that it wishes to object to the application. A copy is attached at Appendix 5. <p><u>PSNI</u></p>
3.16	As the PSNI has objected to each application, a Senior Officer will be available at your meeting to answer any queries you may have in relation to their objections.
3.17	<p>A summary of the objection from the promoter, MCD Productions is as follows:</p> <ul style="list-style-type: none"> • the queues to the outlets have the potential to force pedestrians approaching the site onto the roadway prior to each of the concerts. • the queues to the outlets have the potential to delay the reopening of the roads after the event. • potential for the outlets to act as focal points after each concert causing young people in large numbers to remain in the area with the potential for antisocial behaviour. • the potential to delay and breakdown the carefully planned operations to coordinate the coach arrivals and departures.
3.18	The Promoter, MCD Productions and/or their representatives will be available at your meeting to answer any queries you may have in relation to their objections.
	<u>Applicants</u>
3.19	The applicants and/or their representatives will be available at your meeting to answer any queries you may have in relation to their respective applications.
	<u>Financial and Resource Implications</u>
3.20	<p>If the Committee grants the Temporary Street Trading Licences, the fee for each is as follows</p> <ul style="list-style-type: none"> • Application Fee of £120, and • A Licence fee of £26 for Friday and £36 for Saturday
	<u>Equality or Good Relations Implications</u>
3.21	There are no equality or good relations issues.

4.0	Documents Attached
	<p>Appendix 1 – Maps showing location of the proposed sites</p> <p>Appendix 2 – Temporary Street Trading Policy</p> <p>Appendix 3 – Transport NI Letters of No Objection</p> <p>Appendix 4 – PSNI Letter of Objection</p> <p>Appendix 5 – MCD Productions Letter of Objection</p> <p>Appendix 6 – Permission from landowner of Application 1 for Mr David Reilly</p>