



Subject:	Consideration of Designating Resolutions for Street Trading Sites
Date:	13th December, 2017
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext 2435
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Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

1.0	Purpose of Report/Summary of Main Issues
1.1	Members will recall that, at your meeting on 19th April, you granted approval to initiate the statutory process for the designation of a number of new Street Trading Sites across the City, which have 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 also granted approval to initiate the statutory process for the variation of the commodities and services which are permitted to be offered at a number of other designated sites that are already licensed.
1.3	Members will also recall that, at your meeting of 21 June, a further report was presented to you as the Department for Communities, landowner of Blackstaff Square, had written to the Council requesting that the street trading pitch within Blackstaff Square be rescinded.

1.4	The Committee subsequently granted approval to initiate the statutory process for the rescinding of the designating resolution for the site in Blackstaff Square.
1.5	However, immediately following the June decision, the Department asked that this decision be reversed and there is now a licensed trader operating again at this site. This caused some delay in the process of Designation.
2.0	<u>Recommendations</u>
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-J. 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 for sites K-N. 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. reverse your decision of 17 June regarding rescinding of the Designation of Blackstaff Square. 4. decide not to proceed with any or all of the proposals.
2.2	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, 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
3.1	<p><u>Key Issues</u></p> <p>The designation process involved seeking comments from interested parties, including relevant statutory bodies, through public advertisement and consultation.</p>

3.2	<p>The Street Trading Act (NI) 2001 requires the Council to ensure that each application is fairly and objectively assessed, that all relevant factors are considered and, in doing so, the Council must consult with the:</p> <ul style="list-style-type: none"> b) PSNI, and c) Department for Infrastructure - Roads.
3.3	<p>The Council may also consult other persons as it considers appropriate. Such consultees may include:</p> <ul style="list-style-type: none"> a) Relevant Belfast City Council Departments; b) Belfast City Centre Management Company (BCCM); c) Nearby Street Trading Licence holders who may be affected; and d) Local residents, business and commercial premises in the vicinity of the site in respect of which the application has been received.
3.4	<p>Subsequently, the Service has received responses to the applications from a variety of interested parties and individuals.</p>
3.5	<p>Members are advised that BCCM conducts its business within a determined geographical area of Belfast City Centre and is therefore responding to the proposals at locations within this boundary only.</p>
3.6	<p>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 or vary the sites.</p>
3.7	<p>Each site is listed separately from A to N and indicated with their specific site location.</p>
3.8	<p>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 attached to this report.</p>
3.9	<p>Maps and photographs of each location will be presented to you at your meeting.</p>
	<p><u>New Streets or part thereof</u></p>
	<p><u>Site A – Lisburn Road outside premises of Café Maud’s, 555 Lisburn Road.</u></p>
3.10	<p>The proposal is for ice-cream and non-alcoholic beverages. The site will operate during the day, from a refrigerated ice-cream cart operated by staff from Café Maud’s. The proposed site is 1.5 metres in length, operating at the front corner of the premises nearest the side lane.</p>
3.11	<p>PSNI No objection.</p>
3.12	<p>DFI Roads The Department have advised that this part of the footway is quite narrow because of the location of a street light. They also state that further obstruction, in the form of a street trading pitch, would not be appropriate at this location.</p>
3.13	<p>Published 28-day Notice No responses were received to the notice.</p>

Site B – Balmoral Road, situated outside the former B&Q site on the left-hand side of the road

3.14 The proposal is for hot and cold food and non-alcoholic beverages or similar commodities from a food trailer. The site will operate during the day.

PSNI

3.15 No objection.

DFI Roads

3.16 No objection.

Published 28-day Notice

3.17 No responses were received to the notice.

Site C – Oldpark Road, in lay-by 45ft from the junction with Hillview Road.

3.18 The proposal is for hot and cold food and non-alcoholic beverages or similar commodities from a mobile catering unit. The site will operate during the day.

PSNI

3.19 No objection.

DFI Roads

3.20 No objection.

Published 28-day Notice

3.21 No responses were received to the notice.

Site D – Gordon Street, at junction with Dunbar Street beside metal artwork for night time trading.

3.22 The proposal is for hot and cold food and non-alcoholic beverages or similar commodities from a hot food trailer. The site will operate during the night into the morning.

PSNI

3.23 The Police Service wishes to object to the application. It believes that a Street Trading Pitch here would provide a focus for concentrated groups when licensed premises close leading to disorder and violence.

DFI Roads

3.24 No objection.

Department for Communities Belfast Regeneration Directorate

3.25 The Department has advised they own the land at Gordon Street with the junction at Dunbar Street. They wish to offer no objection to the proposed designation of a trading pitch nor the commodities to be sold.

Published 28-day Notice

3.26 No responses were received to the notice.

Site E – Bridge Street, in lay-by outside 12-16 Bridge Street for night time trading.

3.27 The proposal is for hot and cold food and non-alcoholic beverages or similar commodities from a hot food trailer. The site will operate during the night into the morning.

3.28	<p>PSNI The Police Service wishes to object to the application. They believe that a Street Trading Pitch here would provide a focus for concentrated groups when licensed premises close leading to disorder and violence.</p>
3.29	<p>DFI Roads The Department has advised that this location is to be changed to a 24hr public hire taxi rank in the very near future. Therefore, no street trading will be allowed at this site.</p>
3.30	<p>BCCM BCCM has no issue with the new designation for night time trading.</p>
3.31	<p>Published 28-day Notice No responses were received to the notice.</p>
	<p><u>Site F – Donegall Street, in parking bay near the junction with Waring Street for night time trading.</u></p>
3.32	<p>The proposal is for hot and cold food and non-alcoholic beverages or similar commodities from a hot food trailer. The site will operate during the night into the morning.</p>
3.33	<p>PSNI Police wish to object to the application. They believe that a Street Trading Pitch here would provide a focus for concentrated groups when licensed premises close leading to disorder and violence.</p>
3.34	<p>DFI Roads The Department has advised that this part of the footway is too narrow to accommodate street trading because of street trees, etc.</p>
3.35	<p>Published 28 day Notice No responses were received to the notice.</p>
	<p><u>Site G – Cupar Way.</u></p>
3.36	<p>The proposal is for tourist souvenirs or similar commodities. The site will operate during the day.</p>
3.37	<p>PSNI No objection.</p>
3.38	<p>DFI Roads The Department has advised that this part of the footway is quite narrow because of the placement of street trees. They recommend that the street trading pitch would need to be away from these trees to provide a minimum 1.8m passing room for pedestrians.</p>
3.39	<p>Visit Belfast Have stated that they believe the application needs further discussion with the communities. They also recommend that feedback would be required from Fáilte Feirste Thiar and Greater Shankill Partnership.</p>
3.40	<p>Following Visit Belfast's recommendation, we contacted both Fáilte Feirste Thiar and Greater Shankill Partnership. At the time of writing this report no response has yet been received.</p>

3.41	<p>Published 28-day Notice No responses were received to the notice.</p>
<p><u>Site H – The Arc, Titanic Quarter (5 sites) Hamilton Dock.</u></p>	
3.42	<p>This area is managed by Titanic Quarter Limited. Any subsequent Street Trading Licence will be in agreement with them.</p>
3.43	<p>The proposal is for hot and cold food and non-alcoholic beverages or similar commodities, gifts, crafts and souvenirs.</p>
<p>PSNI</p>	
3.44	<p>No objection.</p>
<p>DFI Roads</p>	
3.45	<p>No objection.</p>
<p>Published 28-day Notice</p>	
3.46	<p>No responses were received to the notice.</p>
<p><u>Site I - Titanic Quarter (4 sites) Titanic Plaza.</u></p>	
3.47	<p>This area is currently managed by Titanic Quarter Limited. Any subsequent Street Trading Licence will be in agreement with them.</p>
3.48	<p>The proposal is for hot and cold food and non-alcoholic beverages or similar commodities, gifts, confectionary and souvenirs.</p>
<p>PSNI</p>	
3.49	<p>No objection.</p>
<p>DFI Roads</p>	
3.50	<p>No objection.</p>
<p>Published 28-day Notice</p>	
3.51	<p>No responses were received to the notice.</p>
<p><u>Site J – Titanic Quarter (3 sites)</u></p>	
3.52	<p>This area is currently managed by Titanic Quarter Limited. Any subsequent Street Trading Licence will be in agreement with them.</p>
3.53	<p>The proposal is for hot and cold food and non-alcoholic beverages or similar commodities, gifts, confectionary and souvenirs.</p>
<p>PSNI</p>	
3.54	<p>No objection.</p>
<p>DFI Roads</p>	
3.55	<p>No objection.</p>
<p>Published 28-day Notice</p>	
3.56	<p>No responses were received to the notice.</p>

Variation of Commodities and Services to be Provided

Site K – Lower Garfield Street at the junction with North Street.

3.57 The current designated site allows for the commodity to be determined but excludes the sale of hot food. The proposal is to allow for the sale of confectionary and hot food to include crepes, waffles, roasted nuts, sandwiches, rolls, paninis sausage rolls and hot pastries.

3.58 If Committee is minded to grant this variation, they may wish to limit the sale of the hot food to day time trade only.

PSNI

3.59 No objection.

DFI Roads

3.60 No objection.

BCCM

3.61 No issue with the proposed variation.

Published 28-day Notice

3.62 No responses were received to the notice.

Site L – Donegall Square North at front of City Hall

3.63 The current designated site is for the sale of ice-cream and hot and cold non-alcoholic beverages from an ice-cream tricycle. The proposal is to allow for the sale of confectionary and artisan hot food.

PSNI

3.64 No objection.

DFI Roads

3.65 No objection.

3.66 Officers checked with DFI Roads after receiving comments from the Council's Markets Unit at 3.82 below, the Department are not objecting to this proposal.

BCCM

3.67 They have advised they are opposed to the proposed variation to include confectionary and artisan hot food stating that Donegall Square is very well represented by businesses which already provide these and similar products. As a result, they consider that this area is very well serviced in the provision of the aforementioned commodities.

Visit Belfast

3.68 They would caution against this change as taking away from the general environment, particularly when there are now an abundance of cafes and restaurants in and around Donegal Square, including The Bobbin Café in City Hall.

Belfast City Council Facilities Management

3.69 Have concerns about extending the current arrangements of selling ice-cream and hot and cold beverages. Apart from potential litter issues they raised the following points:

- Detrimental to what is one of the key visitor attractions in Belfast.

- Detrimental to a Grade A listed building.
- Will clash with other activities which are allowed to take place on the cobbled area.
- Restricts pedestrian access via the front gates.
- May clash with the Spring & Christmas Markets.
- Potential mixed reaction from Members, some might be positive but others will be negative.

Belfast City Council Markets Unit

3.70 The Unit wish to object to the variation. They consider that this extended offer will clash with the Spring and Christmas markets. Those traders, and others at events taking place within the City Hall grounds, are paying a high premium to trade at them and is therefore unfair.

3.71 They state there were concerns last year over the reputation of the market and the City Hall as the trader using this pitch did not trade in a professional manner. There were issues with waste and general cleanliness of his pitch and therefore his licence would need to be more strictly policed.

3.72 The Unit also point out that during the Continental Markets, traders in the chalets beyond the railings are not permitted to sell any form of hot food. This has been stipulated by DFI Roads when the Council sought agreement with them in relation to approvals.

Published 28-day Notice

3.73 No responses were received to the notice.

Deferred Decisions

3.74 Committee is reminded that at its meetings of 16 April 2014 and 18 March 2015, the Licensing Committee had deferred consideration of the following two applications to vary the designation resolutions for sites at Castle Junction Kiosk and Castle Place (opposite Donegall Arcade) respectively, to provide for the sale of bus tour tickets, pending the outcome of a review which was being undertaken by the Council's Development Department into sightseeing coach provision in the City.

3.75 The outcome of that research had, on 14 October 2015, been presented to the Council's City Growth and Regeneration Committee.

3.76 In light of that Committee's decision, the Licensing Committee agreed to initiate a new process in relation to those applications to vary the designating resolutions at sites in Castle Place (opposite Donegall Arcade) and the Castle Junction Kiosk. The Committee requested that the Department for Infrastructure, Driver & Vehicle Agency, be specifically consulted on these proposals.

Site M – Castle Junction Kiosk

3.77 The current designated site is for the sale of hot and cold non-alcoholic beverages, confectionery, ice-cream and cold food or similar commodities including the sale of theatre and event tickets. The proposal is to allow for the sale of bus tour tickets.

PSNI

3.78 No objection.

DFI Roads

3.79 No objection.

3.80	<p>Department for Communities Belfast Regeneration Directorate DfC own the Castle Junction Kiosk (run under licence by a private operator). They have no objection as long as there is no limitation to a single bus tour operator.</p>
3.81	<p>Department for Infrastructure Driver & Vehicle Agency They have consulted with Passenger Transport Licensing and DVA Enforcement for their views and confirmed they have no issues with the proposal.</p>
3.82	<p>BCCM They have advised that they are opposed to the proposed variation to include the sale of bus tour tickets at this location or any other mobile location within Belfast city centre. A detailed response is awaited.</p>
3.83	<p>Visit Belfast They have advised that if approved, the tenant will be able to decide which operator they sell tickets for and that this will be a commercial decision.</p>
3.84	<p>Visit Belfast also consider this is an attractive kiosk and could work well for the sale of bus tickets. However, while relationships have improved between the two bus operators, they still have some concerns that introducing another sales outlet could cause issues amongst the street staff, with a risk that the area around the Kiosk could become unpleasant for visitors.</p>
3.85	<p>They have suggested that the Committee make a temporary provision to allow this variation of commodities for initially up to one year, with conduct around the kiosk monitored by all relevant agencies with a view to extension of the period, or termination, dependent on the results of the trial period.</p>
3.86	<p>Members are advised that any such temporary provision would be dealt with during the licensing process if you are minded to vary the designation.</p>
3.87	<p>Published 28-day Notice No responses were received to the notice.</p>
3.88	<p><u>Site N – Castle Place opposite Donegall Arcade</u> The current designated site allows for the commodity to be determined but excludes the sale of hot food and tour tickets. The proposal is to allow for the sale of bus tour tickets.</p>
3.89	<p>PSNI No objection.</p>
3.90	<p>DFI Roads No objection.</p>
3.91	<p>Department for Infrastructure Driver & Vehicle Agency They have consulted with Passenger Transport Licensing and DVA Enforcement for their views and confirmed they have no issues with the proposal.</p>
3.92	<p>BCCM They state they are opposed to the proposed variation to include the sale of bus tour tickets at this location or any other mobile location within Belfast city centre. A detailed response is awaited.</p>

<p>3.93</p> <p>3.94</p> <p>3.95</p> <p>3.96</p> <p>3.97</p>	<p>Visit Belfast</p> <p>Visit Belfast states that this site is too close to the site at the bottom of Lombard Street, which already sells bus tour tickets, and, if granted, could cause issues between rival companies.</p> <p>Visit Belfast's preference is for temporary approval to the Castle Junction Kiosk. If for any reason the Castle Junction Kiosk was not suitable, then this option would need to be piloted in the same way as the recommendation for the Castle Junction Kiosk.</p> <p>Published 28-day Notice</p> <p>No responses were received to the notice.</p> <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 our policy states that it must be placed in three newspapers for two consecutive weeks.</p> <p><u>Equality or Good Relations Implications</u></p> <p>There are no equality or good relations issues.</p>
<p>4.0</p>	<p>Documents Attached</p>
	<p>Copies of correspondences received</p>