

LICENSING COMMITTEE



Belfast
City Council

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| Subject: | Consideration of Designating Resolutions for Street Trading Sites – Hot Food |
| Date: | 18th April, 2018 |
| Reporting Officer: | Stephen Hewitt, Building Control Manager, Ext 2435 |
| Contact Officer: | James Cunningham, Regulatory Services Manager, Ext 3375 |

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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"/> |

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

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| 1.0 | Purpose of Report or Summary of main Issues |
| 1.1 | Members will recall that, at your meeting on 13 December 2017, the Committee considered proposals for Designating Resolutions for a number of Street Trading sites across the City. |
| 1.2 | Committee deferred some of these proposals to allow for additional information to be obtained. Some of those proposals related to the sale of hot food and further information has now been received for consideration. |
| 2.0 | Recommendations |
| 2.1 | Based on the information presented the Committee is requested to consider each proposal in turn and to decide whether to: <ul style="list-style-type: none"> 1. Approve a Designating Resolution to designate the site, where it may allocate a street trading pitch. The Designating Resolution will include the operational date and may stipulate either: |

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| <p>2.2</p> <p>2.3</p> <p>2.4</p> | <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. <p>2. Decide not to proceed with the proposal.</p> <p>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.</p> <p>Members are reminded that once a site becomes designated you will subsequently have to consider any applications that may be received for a Street Trading Licence on that site.</p> <p>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.</p> |
| <p>3.0</p> | <p>Main report</p> |
| <p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p> <p>3.5</p> | <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> <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"> a) PSNI, and b) Department for Infrastructure - Roads. <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. d) Local residents, business and commercial premises in the vicinity of the site in respect of which the application has been received. <p>Members are advised that BCCM conducts its business within a determined geographical area of Belfast City Centre and has therefore responded to the proposals at locations within this boundary only.</p> <p><u>Deferred applications</u></p> <p>Committee deferred consideration of the designation of the sites in Bridge Street, Donegall Street and Gordon Street for the sale at night of hot and cold food and non-alcoholic beverages or similar commodities, to enable information to be provided in relation to:</p> <ul style="list-style-type: none"> a. the location of those hot food stalls which were licensed currently to operate within the City centre: |

- b. other applications for the designation of sites for the sale at night of hot and cold food which had been considered by the Committee in the past five years and the outcome of those applications; and
- c. the licensing of hot food stalls in other cities.

3.6 The Committee agreed also that a representative of the Police Service of Northern Ireland, which had objected to the sites being designated, be invited to attend the meeting.

Additional information

- 3.7**
- a. There are currently 3 hot food stalls licensed to operate within the City centre at:
 - Donegall Street opposite the Kremlin
 - Tomb Street
 - Donegall Square East at Santander.

3.8 b. In the past five years the Committee have considered two separate designation applications for a site at Ormeau Baths for the sale of hot food at night; in January 2014 and March 2015.

3.9 Each time the application was refused as the circumstances had not changed since it was previously refused at Licensing Committee in December 2008. On that occasion the PSNI had expressed concerns that hot food vans at night in this area would encourage people to hang around after closing time causing disturbance and congestion. This would also run counter to the aims of the Community Safety Partnership which is to deter people from remaining in the centre of town and to return home as soon as possible after closing time.

3.10 c. Obtaining information about the licensing of hot food stalls in other cities has proved difficult. A summary of information provided by councils is detailed below:

3.11 Dublin City Council

Consider requests for new designations on an annual basis. No specific policy on designation of night time hot food stalls.

3.12 Manchester City Council

No specific night time policy for designations.

3.13 Westminster City Council

Their policy states:

Trading hours for other types of street trading covered by this policy will be set on the basis of promoting the following purposes:

- (a) Preventing crime, disorder and anti-social behaviour
- (b) Avoiding public nuisance
- (c) Protecting public safety
- (d) Preventing obstruction of the highway
- (e) Location and neighbouring hours of business activity

Licences will not be granted or varied beyond the hours of 08.00 to 23.00 unless there are exceptional circumstances and to do so would promote the purposes set out above.

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| <p>3.14</p> <p>3.15</p> <p>3.16</p> <p>3.17</p> <p>3.18</p> <p>3.19</p> <p>3.20</p> <p>3.21</p> <p>3.22</p> <p>3.23</p> <p>3.24</p> | <p>Glasgow City Council</p> <p>The city centre area has sufficient provision for street trading, therefore no further street traders licences will be granted within the city centre area.</p> <p>Hot food sites in the city centre cannot operate past 4am, hot food sites outside the city centre cannot operate past 3am. A special dispensation to work past these hours can be granted but must be approved by Committee.</p> <p>Edinburgh City Council</p> <p>Traders selling food will be granted hours of operation no later than 11pm.</p> <p>Cardiff City Council</p> <p>CCC has determined that they will not consider any new applications within the central city area as there are no other suitable locations for street traders available</p> <p>They have no specific policy on hot food</p> <p><u>Consideration of the Designation of new streets or part thereof</u></p> <p>Each site is listed separately from A to C and indicated with their specific site location.</p> <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 also attached to this report for your information as Appendix 1.</p> <p>Maps and photographs of each location will be presented to you at your meeting.</p> <p><u>Site A – Gordon Street, at junction with Dunbar Street beside metal artwork for night time trading.</u></p> <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> <p>PSNI</p> <p>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> <p>DFI Roads</p> <p>No objection.</p> <p>Department for Communities Belfast Regeneration Directorate</p> <p>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.</p> <p>Published 28 day Notice</p> <p>No responses were received to the notice.</p> <p><u>Site B – Bridge Street, in lay-by outside 12-16 Bridge Street for night time trading.</u></p> |
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| <p>3.25</p> <p>3.26</p> <p>3.27</p> <p>3.38</p> <p>3.39</p> <p>3.40</p> <p>3.41</p> <p>3.42</p> <p>3.43</p> <p>3.44</p> <p>3.45</p> | <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> <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> <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> <p>BCCM Has no issue with the new designation for night time trading.</p> <p>Published 28 day Notice No responses were received to the notice.</p> <p><u>Site C – Donegall Street, in parking bay near the junction with Waring Street for night time trading.</u></p> <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> <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> <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> <p>Published 28 day Notice No responses were received to the notice.</p> <p><u>Financial & 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>Appendices – Documents Attached</p> |
| | <ul style="list-style-type: none"> • Appendix 1 – Copies of correspondence received |