



Subject:	Consideration of the variation of Designated Commodities for Street Trading Sites – sale of bus tour tickets
Date:	18th April, 2018
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext 2435
Contact Officer:	James Cunningham, Regulatory Services Manager, Ext 3375

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 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 including the variation of designated commodities for a number of Street Trading sites across the City.
1.2	Committee deferred a number of the proposals, some of which related to the sale of bus tour tickets, to allow for further information to be provided which has now been obtained.
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: 1. Approve the variation of the Designating Resolution for either or both sites A and B.

	<p>The Designating Resolution will include the operational date and may stipulate either:</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 any or all of the proposals.</p> <p>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.</p> <p>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.</p> <p>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.</p>
<p>3.0</p>	<p>Main report</p>
	<p><u>Key Issues</u></p> <p>3.1 The Designation process involved seeking comments from interested parties, including relevant statutory bodies, through public advertisement and consultation.</p> <p>3.2 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"> • PSNI, and • Department for Infrastructure - Roads. <p>3.3 The Council may also consult other persons as it considers appropriate. Such consultees may include:</p> <ul style="list-style-type: none"> • Relevant Belfast City Council Departments. • Belfast City Centre Management Company (BCCM) <p>3.4 Subsequently, the Service has received responses to the applications from a variety of interested parties and individuals.</p> <p>3.5 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> <p><u>Previously Deferred Decisions of the applications to vary the designating resolutions for sites at Castle Junction Kiosk and Castle Place</u></p>

3.6	<p>Members are advised that, at your meetings of 16 April 2014 and 18 March 2015, the Licensing Committee had deferred consideration of the applications to vary the designating 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.</p>
3.7	<p>The outcome of that research had, on 14 October 2015, been presented to the Council's City Growth and Regeneration Committee. See Appendix 2.</p>
3.8	<p>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.</p>
<p><u>Recently deferred applications</u></p>	
3.9	<p>At your meeting on 13 December 2017 Committee deferred consideration of the variation of the designated commodities at the sites in Castle Junction and Castle Place to enable further information to be provided on the previous problems that have been associated with the sale of bus tour tickets and the review which had been undertaken by the Development Department and presented to the City Growth and Regeneration Committee in October 2015.</p>
3.10	<p>Members are reminded that neither Belfast City Council nor the Licensing Committee has any legislative authority or responsibility for the licensing of Bus Tours.</p>
<p><u>Previous problems</u></p>	
3.11	<p>Members may be aware that the Council has previously discussed a range of issues associated with hop on hop off bus tours for tourists due to concern that the behaviour of some of the bus tours staff could have a negative impact on the city as a welcoming tourism destination.</p>
3.12	<p>A number of agencies including the Council, Belfast Visitor and Convention Bureau (BVCB), Northern Ireland Tourist Board (NITB), Belfast City Centre Management (BCCM), PSNI and DfI Driver & Vehicle Agency had become very concerned about problems that have arisen in the City regarding how these tours were being offered and how the tickets were being sold, often through aggressive street selling.</p>
3.13	<p>This issue had been of particular concern to BVCB when cruise ships had visited the City. Some days, during the height of the season and in particular on cruise ship days, there had been up to 50 staff "selling" certain tours to visitors and actively discouraging them from taking another company's tours. The numbers of those selling tickets has decreased in recent years.</p>
3.14	<p>BVCB and some of their accommodation providers had received and reported several complaints and numerous comments all mentioning the fact that visitors are being unduly hassled to buy tickets, together with witnessing bad language, fighting and threats between different companies. All of this impacts negatively on the visitor welcome and visitor experience and deters return visits to the City.</p>
3.15	<p>As a result BCCM, in conjunction with BVCB, introduced a voluntary Code of Conduct which most bus tour operators had signed up to. BVCB advised that they would not sell the tickets belonging to any company who failed to adhere to the Code of Conduct.</p>

Review by Development Department

A copy of the report (and minutes) which was presented to the City Growth and Regeneration Committee in October 2015 is attached as Appendix 2.

3.16

The report noted that the Council, through the Licensing Committee, had already issued licences to four street traders to sell tickets. However, two of these sites (in Fountain Street and Fountain Lane) were not currently selling tickets. Those licences were granted at a special meeting of the Licensing Committee in September 2011.

3.17

At the special meeting in September 2011, Members had heard from objectors, namely Belfast Visitor and Convention Bureau, Belfast City Centre Management and Police Service of Northern Ireland, regarding the sale of bus tour tickets. Following discussions, the Committee had agreed to grant the licences to sell bus tour tickets.

3.18

Reference is made to the applications for the sale of bus tour tickets at Castle Junction and Castle Place, which are the subject of this report, in the City Growth and Regeneration Committee report in October 2015. At paragraph 3.10 it is stated "*Decisions on these applications will be subject to agreement by the Licensing Committee. From the perspective of managing the operations, it would appear logical that the operators use these locations as a base for their ticket sales, given that they are located near the start point for both tours.*"

3.19

Para 3.11 states "*With regard to feedback from tourists, much of the feedback is generally positive with good reviews on social media including the TripAdvisor website. Both companies have recently applied to Tourism NI for the Quality Grading Scheme*"

3.20

Para 3.12 notes "*The main complaints tend to relate to the behaviour of staff on the street, particularly at the time of large cruise ship arrivals and on days of high visitor footfall. On these occasions, complaints numbers tend to increase significantly. Most complaints on social media tend to refer to the sales techniques of street staff.*"

3.21

Additional correspondence received

Committee may wish to note that a licensed street trader, Mr Joseph Rea, who is licensed for Castle Place has written to the Council, his letter is attached as Appendix 3. Mr Rea points out that he has been a licensed trader for 42 years and he had requested that bus tour tickets could be sold at his site.

3.22

He has read the Licensing Committee Minutes from your meeting in December 2017. Mr Rea wants to point out that the Lombard Street site which is referred to is 30-40 metres from his site and approximately 10 metres to Carroll's Irish Gifts (shop), both of whom sell Belfast City Sightseeing tour tickets. Mr Rea states that he would sell tickets for Belfast Titanic Tours and this could go a long way, in his opinion, to redress the balance.

3.23

Consideration of the variation of designated commodities

Each site is listed separately 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 are also attached to this report for your information as Appendix 1.

3.24

Maps and photographs of each location will be presented to you at your meeting.

3.25

Site A – Castle Junction Kiosk

3.26 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.

3.27 **PSNI**
No objection.

DFI Roads
No objection.

3.28 **Department for Communities Belfast Regeneration Directorate**
3.29 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.

3.30 **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.

3.31 **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.

3.32 Historically, there has been tension between rival bus tour companies which included verbal and physical altercations between staff that have been played out in view of the public, including tourists and visitors to Belfast City centre; such incidents have also been widely reported in the media. BCCM state that when cruise ship visitors alight from shuttle buses in the City, the conduct of rival bus tour staff can appear to be aggressive and intimidating.

3.33 Anecdotally, the 2017 summer tourist season was relatively peaceful between the rival bus tour companies; however, we believe that the provision of additional bus tour ticket outlets in Belfast City Centre may increase the chances of confrontations and hostility could escalate between rival bus tour staff.

3.34 If the variation of commodities is approved, BCCM recommend that the sale of bus tour tickets is introduced on a trial basis for 6 months and then reviewed to consider what the impact of ticket sales from additional mobile locations has had on the conduct of bus tour staff.

3.35 **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.

3.36 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.

3.37 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.

3.38

Members are advised that any such temporary provision would be dealt with during the licensing process if you are minded to vary the designation.

Published 28 day Notice

3.39 No responses were received to the notice.

Site B – Castle Place opposite Donegall Arcade

3.40 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.

PSNI

3.41 No objection.

DFI Roads

No objection.

3.42

Department for Infrastructure Driver & Vehicle Agency

3.43 They have consulted with Passenger Transport Licensing and DVA Enforcement for their views and confirmed they have no issues with the proposal.

BCCM

3.44 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.

3.45 Historically, there has been tension between rival bus tour companies which included verbal and physical altercations between staff that have been played out in view of the public, including tourists and visitors to Belfast City centre; such incidents have also been widely reported in the media. BCCM state that when cruise ship visitors alight from shuttle buses in the City, the conduct of rival bus tour staff appear to be aggressive and intimidating.

3.46

Anecdotally, the 2017 summer tourist season was relatively peaceful between the rival bus tour companies; however, we believe that the provision of additional bus tour ticket outlets in Belfast City Centre may increase the chances of confrontations and hostility could escalate between rival bus tour staff.

3.47

If the variation of commodities is approved, BCCM recommend that the sale of bus tour tickets is introduced on a trial basis for 6 months and then reviewed to consider what the impact of ticket sales from additional mobile locations has had on the conduct of bus tour staff.

3.48

Visit Belfast

They state 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.

3.49 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.

3.50

Published 28 day Notice

No responses were received to the notice.

Members are advised that should you be minded to grant the variation to either or both Designating Resolutions that it would still be necessary for the trader at each location to

