



<b>Subject:</b>	<b>To reconsider the refusal of a Designating Resolution for a Street Trading Site in King Street</b>
<b>Date:</b>	16 March, 2022
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, Ext 2435
<b>Contact Officer:</b>	James Cunningham, Senior Licensing Officer, Ext. 3375

<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>If Yes, when will the report become unrestricted?</b>	
<b>After Committee Decision</b>	<input type="checkbox"/>
<b>After Council Decision</b>	<input type="checkbox"/>
<b>Some time in the future</b>	<input type="checkbox"/>
<b>Never</b>	<input type="checkbox"/>

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

1.0	<b>Purpose of Report or Summary of main Issues</b>
1.1	To consider a request from Councillor McCusker that the Committee reconsiders the decision, of your meeting of 10 March 2021, to refuse to designate a new street trading site on King Street for the sale of hot and cold food and non-alcoholic beverages at night-time.
2.0	<b><u>Recommendations</u></b>
2.1	The Committee is requested, having heard representation from Councillor McCusker, to agree:  1. To reconsider the decision to refuse the proposal to designate a street trading site in King Street, <b>or</b>  2. Not to reconsider the decision to refuse the proposal to designate a street trading site in King Street.

2.2	If the Committee agrees that the application should be reconsidered, the appropriate consultations will be issued and a report will be brought to a future meeting of the Committee for a decision.
3.0	<b>Main report</b>
	<p data-bbox="272 327 427 353"><b><u>Key Issues</u></b></p> <p data-bbox="165 376 1474 472">3.1 Under Standing Order 46 Councillor McCusker has made a request to the Director of Planning and Building Control to have this matter included on the agenda for this meeting of Committee.</p> <p data-bbox="272 495 1474 555"><b>Summary of the designation request considered at the Committee meeting of 10 March 2021</b></p> <p data-bbox="165 577 1474 638">3.2 The Street Trading Act (NI) 2001 requires the Council to ensure that each application for designation is fairly and objectively assessed and that all relevant factors are considered.</p> <p data-bbox="165 660 1474 757">3.3 The Council must publish notice of any proposed designation in 2 newspapers and consult with the PSNI, Department for Infrastructure - Roads and may consult any other persons it considers appropriate.</p> <p data-bbox="165 779 1474 875">3.4 After it has considered those representations and has determined whether or not to pass a designating resolution, it must publish notice to that effect on 2 consecutive weeks in 2 or more newspapers.</p> <p data-bbox="165 898 1474 1059">3.5 At your meeting on 10 March 2021, it was agreed that, based on in the information presented, including concerns which had been raised by both the PSNI and Belfast City Centre Management, that the Committee refuses the proposal for a site to trade in hot and cold food and non-alcoholic beverages at night-time, at the second parking bay, moving away from Castle Court, on King Street.</p> <p data-bbox="165 1081 1474 1142">3.6 Thereafter the public notice, stating that the site was not designated, was published as required by the Order.</p> <p data-bbox="165 1164 1474 1193">3.7 The minute of your meeting of 10 March 2021 is included as appendix 1 to this report.</p> <p data-bbox="272 1216 587 1243"><b>Request to reconsider</b></p> <p data-bbox="165 1265 1474 1361">3.8 Councillor McCusker will address the Committee to outline why he is of the view that the Committee should reconsider their decision of 10 March 2021 to refuse to designate the site in King Street.</p> <p data-bbox="165 1384 1474 1545">3.9 In seeking to have the decision of 10 March 2021 reconsidered Councillor McCusker has provided an email from Mr Patrick McCafferty. Mr McCafferty had requested that the Council considers designating the site in King Street. Mr McCafferty states in his email that he has spoken to Tolan Security and they have agreed to cover the proposed trading site on the nights he would be operating.</p> <p data-bbox="165 1568 1474 1664">3.10 The designation process is about the principle of a street trading pitch being at the location. Matters regarding the suitability of a particular person, the stall and the ability to manage the site are considered as part of the licensing process.</p> <p data-bbox="165 1686 1474 1809">3.11 The person requesting a site to be designated, is merely a ‘trigger’ for the process and they may not be the person who is ultimately granted the Street Trading Licence to operate at the site. Members are reminded that on occasions the Committee has considered multiple competing licence applications for street trading sites.</p> <p data-bbox="165 1832 1474 1928">3.12 For Members information, the Council has previously considered a number of sites for the sale of hot food at night-time and determined that these sites will not be designated, including another site in King Street.</p> <ul data-bbox="272 1951 746 1977" style="list-style-type: none"> <li>• King Street (outside number 50)</li> </ul>

<p>3.13</p>	<ul style="list-style-type: none"> <li>• Franklin Street – forty-five feet from its junction with Brunswick Street</li> <li>• Dunbar Street – forty-five feet from its junction with Dunbar Link</li> <li>• Ormeau Avenue (outside numbers 17 and 19)</li> <li>• Ormeau Baths Gallery (grounds of), at its junction with Apsley Street</li> <li>• Arran Street at number 26</li> <li>• Waring Street at number 23-31</li> <li>• Gordon Street, at junction with Dunbar Street beside metal artwork</li> <li>• Bridge Street, in lay-by outside 12-16 Bridge Street</li> <li>• Donegall Street, in parking bay near the junction with Waring Street</li> </ul> <p><b><u>Financial and Resource Implications</u></b></p> <p>The cost of the designation process is included in current revenue budgets.</p> <p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p>
<p>3.14</p>	<p>There are no issues associated with this report.</p>
<p>4.0</p>	<p><b>Appendices – Documents Attached</b></p>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Minute of Licensing Committee meeting of 10 March 2021</li> </ul>