

Licensing Committee

Wednesday, 13th December, 2017

MEETING OF LICENSING COMMITTEE

Members present: Alderman Spence (Chairperson);
the Deputy Lord Mayor (Councillor Copeland);
Alderman L. Patterson; and
Councillors Baker, Boyle, Bunting, Campbell, Clarke,
Collins, Craig, Dudgeon, Groves, Heading, Hussey,
Hutchinson, McConville and McReynolds.

In attendance: Mr. S. Hewitt, Building Control Manager;
Mrs. L. McGovern, Solicitor;
Mr. H. Downey, Democratic Services Officer.

Apologies

Apologies for inability to attend were reported on behalf of Councillors Carson and Howard.

Minutes

The minutes of the meeting of 9th November were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 4th December, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

No declarations of interest were reported.

New Member

The Chairperson welcomed Councillor Baker, who had replaced the former Councillor Bell, to his first meeting and thanked the former Councillor for the contribution which he had made to the work of the Licensing Committee.

THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE OF THE POWERS DELEGATED TO IT UNDER STANDING ORDER 37(d)

Licences issued under Delegated Authority

The Committee noted a list of licences which had been issued under the Council's Scheme of Delegation.

**Applications for the Renewal of Annual Indoor Entertainments
Licences with Previous Convictions – AM:PM / Voodoo**

The Committee considered the following report:

“1.0 Purpose of Report/Summary of Main Issues

- 1.1 To consider applications for the renewal of Indoor Entertainments Licences where the applicant has been convicted of an offence under the Local Government Miscellaneous Provisions (Northern Ireland) Order 1985 (the Order) within the previous five years.

2.0 Recommendations

- 2.1 Taking into account the information presented, you are required to consider the applications and to:

1. approve the applications, or
2. should you be of a mind to refuse any of the applications, or approve any applications with additional special conditions, an opportunity of appearing before and of being heard by the Committee must be given to the applicants.

3.0 Main Report

Key Issues

- 3.1 Members are reminded that the normal process for dealing with Entertainments Licence applications which are not the subject of objections is that the licence will be granted as provided for within the Council’s Scheme of Delegation.
- 3.2 However, as each applicant has been found guilty of committing an offence within five years of the application for a licence being submitted to the Council, you are required to consider the following applications:

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Premises and Location	Applicant	Application Type	Offence Details	Date of Conviction and Penalty
<p style="text-align: center;">St Paul's GAC</p> <p style="text-align: center;">98c Shaw's Road Belfast BT11 8LN</p>	<p style="text-align: center;">Caroline McLaughlin</p>	<p style="text-align: center;">Renewal</p>	<p style="text-align: center;">28 March 2015</p> <p>Entertainment taking place in an area (1st Floor) not covered by the Entertainments Licence; The appropriate pre-entertainment checks had not been completed prior to entertainment taking place; A games machine was obstructing a final exit; and The main entrance door was not being manned.</p>	<p style="text-align: center;">10 November 2015</p> <p style="text-align: center;">12 months Conditional Discharge and ordered to pay court costs of £69.</p>

<p style="text-align: center;">AM:PM</p> <p style="text-align: center;">38-44 Upper Arthur Street Belfast BT1 4GH</p>	<p style="text-align: center;">AM:PM Limited</p>	<p style="text-align: center;">Renewal</p>	<p style="text-align: center;">20th May 2016</p> <p>Rear final escape door was obstructed; Rear escape stair was obstructed; Rear escape corridor on the ground floor was obstructed; Fire door was held open on the ground floor escape route; All escape routes, including stairways, were not maintained with non-slippery and even surfaces; Entertainment was being provided on the 2nd floor which is an area not covered by the Entertainments Licence; and The Entertainments Licence was not being displayed.</p>	<p style="text-align: center;">On appeal: 6 January 2017</p> <p>£2750 and £66 Court costs.</p> <p>Charges 1-5 £500 each, Charge 6 withdrawn 7-8 £250 each.</p> <p>Original penalty was £3250 – charge 6 was withdrawn – penalty reduced to £2750.</p>
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Notwithstanding the possibility of refusing an Entertainments Licence on any other grounds, the Council may refuse an application on the grounds that the applicant has been convicted of an offence under the Order.

Application History

- 3.3 Previous applications for the aforementioned premises were considered by the Committee as follows:

St Paul's GAC

- 3.4 This is the third time an application for the premises has been considered by the Committee since being convicted of the offences on 10th November, 2015.
- 3.5 The previous renewal applications were considered by the Committee, in relation to these convictions on 14th December, 2016 and 19th August, 2015 and, after consideration, you agreed to renew the Entertainments Licence.
- 3.6 Since you last considered the application, the premises have been subject to one further during performance inspection as well as a renewal inspection. The premises were satisfactory and management procedures were being implemented effectively.

AM:PM

- 3.7 This is the second time that an application for the premises has been considered by the Committee since the applicant was convicted on 6th January, 2017.
- 3.8 The previous renewal application was considered by the Committee on 18th January this year and, after consideration, you agreed to renew the Entertainments Licence.
- 3.9 Since you last considered the application the premises have been subject to two further during performance inspections as well as a renewal inspection. The premises were satisfactory and management procedures were being implemented effectively.

Representations

- 3.10 Public notice of the applications has been placed and no written representations have been lodged as a result of the advertisements.

PSNI

- 3.11 The PSNI has been consulted and has confirmed that it has no objections to the applications. A copy of each of its responses has been circulated to the Committee.

NIFRS

- 3.12 The Northern Ireland Fire Rescue Service has been consulted in relation to each of the applications and has confirmed that it has no objections.**

Applicants

- 3.13 The applicants and/or their representatives will be available at your meeting to answer any queries you may have in relation to their applications. Copies of the respective application forms for the premises have been circulated to Members.**

- 3.14 Financial and Resource Implications**

Officers carry out during performance inspections on premises providing entertainment which is catered for within existing budgets.

- 3.15 Equality and Good Relations Implications**

There are no equality or good relations issues associated with this report.”

The Committee agreed to renew the Seven-Day Annual Indoor Entertainments Licences in respect of AM:PM, 38-44 Upper Arthur Street and St. Paul’s GAC, 98c Shaw’s Road.

Application for the Variation of an Annual Indoor Entertainments Licence – Belfast Telegraph Printworks, 122 – 124 Royal Avenue

The Committee was reminded that, at its meeting on 18th October, it had agreed to grant to Limelight Belfast Limited a Seven-Day Annual Indoor Entertainments Licence in respect of the ground floor of the former Belfast Telegraph Printworks, 124-144 Royal Avenue.

The Building Control Manager reported that an application had now been received for the variation of that licence, based upon the Council’s standard condition to provide music, singing, dancing or any other entertainment of a like kind. He explained that entertainment was provided currently from Monday to Sunday till 1.00 a.m. in the main hall, Room 2 and the bar area and lobby of the ground floor. The company was now seeking to extend the hours of operation on each night till 3.00 a.m. the following morning, with a view to aligning the venue with others in the area and attracting more international acts to the City. On all such occasions, the company would operate a public bar facility under an Occasional Liquor Licence.

He confirmed that no written representation had been received in relation to the application and that the Northern Ireland Fire and Rescue Service and the Police Service of Northern Ireland had not objected. In such circumstances, it was normal practice for the Entertainments Licence to be issued under the Council’s Scheme of Delegation.

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However, given that the application related to the extension of the hours of entertainment beyond 1.00 a.m., it was being presented to the Committee for consideration.

The Building Control Manager reported further that the premises had been inspected as part of both the Entertainments Licensing and the Building Regulations application process and that officers had been present on the only two nights on which entertainment had been held to date, namely, 30th September and 24th November. On all occasions, it had been established that the required safety measures and management procedures had been put in place to protect performers, the public and staff. He added that measures had, as part of the previous application, been implemented to minimise disturbance to neighbouring premises and that no complaints had been received in relation to the aforementioned two events. Officers of the Building Control Service would continue to engage with the Environmental Protection Unit on noise management at future events.

The Committee was advised that Mr. A. Simms, representing Limelight Belfast Limited, was in attendance and he was invited to provide clarification around the number of nights on which the company was proposing to provide entertainment till 3.00 a.m., given that it could, on the basis of its application, potentially operate till that time on every night of the year.

Mr. Simms explained that the company had applied to operate till 3.00 a.m. on every night of the year primarily to eliminate the need to submit further applications to have the Entertainments Licence varied at some point in the future. He pointed out that the lease agreement between the company and BELTEL LLP permitted up to a maximum of four events to take place in any given month and that it was not the company's intention to breach that agreement.

In response to a number of questions, Mr. Simms confirmed that, whilst the market might not allow for more than two events to be held till 3.00 a.m. each month, the company was, nevertheless, seeking the Committee's approval to host up to four events, with a view to maximising its potential income over the period of the lease.

Mr. Simms was thanked by the Chairperson.

After discussion, it was

Moved by Councillor Hussey,
Seconded by Alderman L. Patterson,

That the Committee agrees to vary the Seven-Day Annual Indoor Entertainments Licence in respect of the Belfast Telegraph Printworks, 122-124 Royal Avenue, to enable entertainment to take place till 3.00 a.m. the following morning on up to a maximum of twenty-four nights per year.

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Amendment

Moved by Councillor Boyle,
Seconded by Councillor Bunting,

That the Committee agrees to vary the Seven-Day Annual Indoor Entertainments Licence in respect of the Belfast Telegraph Printworks, 122-124 Royal Avenue, to enable entertainment to take place till 3.00 a.m. the following morning on up to a maximum of forty-eight nights per year.

On a vote by show of hands twelve Members voted for the amendment and three against and it was declared carried.

The amendment was thereupon put to the meeting as the substantive motion and passed.

Application for the Renewal of an Annual Indoor Entertainments Licence – Hawthorn Bar, 1 – 3 Hawthorn Street

The Committee considered the following report:

“1.0 Purpose of Report/Summary of Main Issues

- 1.1 To consider an application for the renewal of a Seven-Day Annual Indoor Entertainments Licence for the Hawthorn Bar based on the Council’s standard conditions to provide music, singing, dancing or any other entertainment of a like kind.**

Premises and Location	Ref. No.	Applicant
Hawthorn Bar, 1- 3 Hawthorn Street, Belfast, BT12 7AQ	WK/201701273	Mr. Philip McCann, 84 Glen Road, Belfast, BT11 8BU

- 1.2 Members are reminded that objections were received from local residents regarding the initial grant application. However, in the lead up to your meeting on 15th March 2017, an agreement was reached between all parties that the objections would be withdrawn, subject to the applicant agreeing to a number of conditions of licence.**
- 1.3 As a result, you agreed to grant the Entertainments Licence for a period of six months.**
- 1.4 A copy of the minute of the meeting of 15th March has been circulated to Member.**
- 1.5 A location map has been forwarded to the Committee.**

2.0 Recommendations

2.1 Taking into account the information presented and representations received in respect of the application you are required to make a decision to either:

- 1. approve the application for the renewal of the Seven-Day Annual Entertainments Licence, or**
- 2. approve the application for the renewal of the Seven-Day Annual Entertainments Licence with special conditions, or**
- 3. refuse the application for the renewal of the Seven-Day Annual Entertainments Licence.**

2.2 If the application is refused or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court.

3.0 Main Report

Key Issues

3.1 The areas currently licensed to provide indoor entertainment are the:

- Ground floor bar with a maximum capacity of 40 persons.**

3.2 The days and hours during which the premises are currently licensed to provide entertainment, are:

- Thursday to Saturday: 11.30 a.m. to 1.00 a.m.**

3.3 Following your meeting on 15th March, the following special conditions were attached to the licence:

- 1. the licence will operate for a period of six months;**
- 2. entertainment will be restricted to a Thursday, Friday and Saturday, with the hours of operation being 11.30 a.m. to 1.00 a.m. the following morning;**
- 3. a maximum of 40 persons will be permitted in the ground floor bar whilst entertainment is taking place;**
- 4. the licensee will attend meetings, as and when required, with the Police Service of Northern Ireland and representative groups drawn from local residents, with those to be chaired by Council officers;**

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5. the licensee will proactively clean around the perimeter of the premises;
6. the licensee will ensure that bottles and glasses are not disposed of by staff at closing times;
7. the licensee will provide residents with a direct point of contact and the contact number of the person responsible for managing door staff;
8. the licensee will erect and maintain signage inside the premises and in the rear external area requesting patrons to respect local residents and keep noise levels to a minimum;
9. the licensee will ensure compliance with the requirements of the Noise Report, to the satisfaction of the Council, and the Entertainments Licence will be issued only when all technical matters have been addressed; and
10. taxi notices will be kept and maintained on the premises and will warn patrons and taxi firms that undue noise or disturbance will not be permitted and that the licensee shall take such action, including legal action, if necessary, to enforce that requirement.

Representations

- 3.4 As a result of the application to renew the licence both the original objectors and the PSNI initially advised that they wished to object to the application. Several meetings have been held with all parties and both the PSNI and the residents have confirmed that they wish to withdraw their objections.

Objectors Representations

- 3.5 A letter, signed by a number of residents of the area, has been received and a general summary of their representation is listed below including:

- serious concerns about the operation and management of the premises, which has caused serious distress for many years, given the fact the bar is located in a highly populated residential area;
- regular complaints have been made to PSNI and Belfast City Council in relation to the unacceptable level of noise in a built up residential area from noisy patrons, amplified music and taxi horns;
- concerns regarding the applicant complying with the law relating to the Liquor Licence and Entertainments Licence as they have been complaining that patrons

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have been drinking in the bar beyond their permitted hours;

- witnessing anti-social behaviour, public urination, alcohol consumption and sexual acts within the alleyways;
- residents have been subjected to verbal abuse and foul language from staff; and
- Concerns regarding vermin, rubbish and storage in the alleyway.

- 3.6 The letter also makes reference to the premises Liquor Licence and applications which Mr. McCann has made to the Court to renew the licence and to extend the permitted hours to 1.00 a.m., under Article 44 of the Licensing (NI) Order 1996. A copy of the letter has been circulated to the Committee.

PSNI

- 3.7 The PSNI initially objected following inspections of the premises which found that the applicant was allegedly operating without a Liquor Licence after failing to renew his Liquor Licence. This is currently being investigated by the PSNI. A copy of its response has been forwarded to Members.
- 3.8 Police Officers will be available at your meeting to answer any queries you may have in relation to the application.

Liaison meetings

- 3.9 As stated, several meetings have taken place since Committee granted the premises an Entertainments Licence. The meetings were attended by PSNI, objectors and the applicant. One of the meetings was also attended by Councillor Tim Attwood.
- 3.10 An agreement has been negotiated and an Action Plan developed, which all parties have signed up to. The Action Plan is based on a number of the previous conditions, together with additional conditions the PSNI and residents have requested to be included.

Agreement

- 3.11 The applicant has confirmed that he is willing to agree to the Action Plan and to the following conditions being attached to the terms and conditions of his Entertainments Licence. A copy of the Action Plan has been circulated to the Committee.
1. the licensee must attend meetings, as and when required, with the PSNI and representative groups

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drawn from local residents, chaired by the Council, to discuss issues relating to Entertainments Licensing;

2. the licensee must install and maintain a suitable CCTV system both internally and externally to the premises. The position of cameras must be in agreement with the PSNI and any footage must also be made available to them and/or the Council should it be required;
3. the licensee must maintain signage internally and externally to the premises and provide announcements at the end of the night asking patrons to respect the residents in the area and keep noise to a minimum when leaving;
4. the licensee must ensure that noise from entertainment and patrons does not cause unreasonable disturbance to residents in the neighbourhood;
5. the licensee or a nominated responsible person shall be available during the whole time that the premises is open to the public, and shall be assisted by sufficient staff;
6. taxi notices must be maintained on the premises. The notices shall contain a warning to patrons and taxi firms that undue noise or disturbance will not be permitted and that the licensee shall take such action, including legal action if necessary to enforce that requirement;
7. the licensee must regularly and proactively clean around the perimeter of the premises and ensure they cause no obstruction within the rear alleyways;
8. the licensee must ensure patrons do not carry opened or unopened bottles or glasses off the premises at any time;
9. the licensee must ensure bottles and glasses are not disposed of by staff at closing times;
10. the licensee must maintain a regular point of contact for residents to relay any concerns they may have;
11. shutters outside final exit doors to be secured in open position to ensure that they will not impede escape; and
12. all doors on means of escape to be free from restrictive fastenings other than panic bolt type mechanisms.

Committee Protocol

- 3.12 As a result of the negotiations and the development of the Action Plan, both the objectors and PSNI have withdrawn their objections.
- 3.13 The applicant and/or their representatives will be available at your meeting along with a delegation of objectors should you have any queries in relation to the application.

Health, Safety and Welfare Issues

- 3.14 A total of four during performance inspections have been carried out on the premises by Officers from the Service since your meeting on 15 March 2017. The inspections included monitoring and observations outside the premises. On each of these occasions no entertainment was taking place.
- 3.15 As part of the renewal application process an inspection was carried out and all technical requirements and associated operational and management procedures were found to be satisfactory. The inspection also verified that noise measures previously stipulated are being managed effectively.

NIFRS

- 3.16 The Northern Ireland Fire Rescue Service has confirmed that it has no objection to the Entertainments Licence being renewed.

Noise Issues

- 3.17 The Environmental Protection Unit (EPU) has been consulted in relation to the application and confirmed that it has received a total of four noise complaints since your meeting on 15th March, 2017. The complaints were received over two separate nights and related to loud entertainment music and patron voices from the premises.
- 3.18 The Noise Team responded to two of the complaints and on both occasions the bar was closed and no noise was witnessed. On the other two occasions, the Noise Team were unable to respond to the other complaints received due to their workload and time constraints. Officers of the Building Control Service followed up with all parties thereafter.

3.20 Financial and Resource Implications

Officers carry out during performance inspections on premises providing entertainment but this is catered for within existing budgets.

3.21 Equality or Good Relations Implications

There are no equality or good relations issues associated with this report.”

The Committee agreed that it would be beneficial, in advance of considering the application, to obtain details around the current status of the application for the renewal of the venue’s Liquor Licence. Accordingly, Inspector A. Swann, representing the Police Service of Northern Ireland, was welcomed by the Chairperson.

Inspector Swann informed the Committee that a Liquor Licence was required to be renewed every five years and that the licensee of the Hawthorn Bar had informed the Police Service of Northern Ireland that he had been unaware of the fact that his licence had not been renewed. He confirmed that it was his understanding that the application had been adjourned by the Court on 7th December, at the request of the applicant’s representative, and that it would now be considered on 18th December.

In terms of the venue’s Entertainments Licence, Inspector Swann pointed out that the detailed action plan which had been agreed between the licensee, the objectors, the Council and the Police Service of Northern Ireland would form the basis for the effective management and monitoring of the premises in future.

Inspector Swann was thanked by the Chairperson.

It was reported that Councillor Attwood had requested the opportunity to address the Committee on behalf of the objectors to the application and he was welcomed by the Chairperson.

Councillor Attwood reminded the Committee that it had, in renewing the premises’ Entertainments Licence in March, attached a number of conditions, on the basis of objections which had been raised and subsequently withdrawn around the operation of the premises. He explained that, shortly afterwards, those issues had re-emerged, which had led to the objectors to object initially to the current application.

He welcomed the fact that the action plan, which had now been agreed by all parties, had included the installation of closed-circuit television, both inside and outside the premises, and concluded by urging the Council and the Police Service of Northern Ireland to ensure that the plan was fully adhered to.

Councillor Attwood was thanked by the Chairperson, who then welcomed Mr. P. McCann, the licensee of the Hawthorn Bar, to the meeting.

Mr. McCann informed the Committee that he had worked in the licensed trade for forty-two years and that he had owned the Hawthorn Bar for the last eighteen years.

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He explained that the closed-circuit television which had been operating in the bar since he had assumed control had been upgraded and that, as had always been the case, recordings would be made available to the Police Service of Northern Ireland or others, should it be requested.

In response to a number of questions from the Committee, Mr. McCann confirmed that his application for the renewal of the Liquor Licence had not been adjourned and that it was being heard for the first time by the Court on 18th December. He stated that he had a good relationship with the residents of Hawthorn Street, some of whom frequented the premises and were supportive of his application, and that the objections to the renewal of his Entertainments Licence had originated primarily from Cavendish Street. He pointed out that an arrangement was in place with a taxi company for the collection of patrons and that its drivers were well aware of the need to refrain from sounding their horns whilst outside the premises. He added that he should not be held accountable for vehicle noise generally, given that the bar was situated on a main thoroughfare and concluded by highlighting the fact that the Council's Environmental Protection Unit had received only a minimal number of complaints regarding noise nuisance from his premises.

Mr. McCann was thanked by the Chairperson.

During discussion, the Building Control Manager addressed a number of issues which had been raised by Members during the course of the presentations. He confirmed that, should the Committee agree to defer the matter, the applicant could continue to operate under the terms of his current Entertainments Licence until his application had been determined and that the licence could be renewed in the absence of a Liquor Licence. He confirmed also that, in accordance with a condition which had been placed upon the Entertainments Licence, a liaison meeting, involving all of the relevant parties, had taken place in July. Further meetings had taken place, albeit with limited success, up until a meeting in November at which agreement had been reached around the current action plan.

After discussion, it was

Moved by Councillor Bunting,
Seconded by Councillor Hussey,

That the Committee agrees to defer consideration of the application for the renewal of the Seven-Day Annual Indoor Entertainments Licence in respect of the Hawthorn Bar, 1-3 Hawthorn Street, until such time as the application for the renewal of the Liquor Licence had been determined.

On a vote by show of hand five Members voted for the proposal and eleven against and it was declared lost.

Accordingly, the Committee agreed to renew the Seven-Day Annual Indoor Entertainments Licence in respect of the Hawthorn Bar, 1-3 Hawthorn Street and to attach to the licence the special conditions which had been agreed within the action plan, as set out within paragraph 3.11 of the report.

Consideration of Designating Resolutions for Street Trading Sites

The Committee considered the following report:

“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 21st June, a further report was presented to you as the Department for Communities, the 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 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 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:
 - only specified articles, things or services or classes of specified articles, things or services that may be sold or supplied; or

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- 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:
 - 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. rescind your decision of 21st 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**
- Key Issues**
- 3.1 The designation process involved seeking comments from interested parties, including relevant statutory bodies, through public advertisement and consultation.
- 3.2 The Street Trading Act (NI) 2001 requires the Council to ensure that each application is fairly and objectively assessed, that

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all relevant factors are considered and, in doing so, the Council must consult with the:

- a) PSNI, and
- b) Department for Infrastructure - Roads.

3.3 The Council may also consult other persons as it considers appropriate. Such consultees may include:

- 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 Subsequently, the Service has received responses to the applications from a variety of interested parties and individuals.

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.

3.6 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.

3.7 Each site is listed separately from A to N and indicated with their specific site location.

3.8 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.

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

New Streets or Part Thereof

**Site A – Lisburn Road outside premises of Café Maud’s,
555 Lisburn Road**

3.10 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

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site is 1.5 metres in length, operating at the front corner of the premises nearest the side lane.

PSNI

3.11 No objection.

DFI Roads

3.12 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.

Published 28-day Notice

3.13 No responses were received to the notice.

**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.

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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.

PSNI

3.28 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.

DFI Roads

- 3.29 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.

BCCM

- 3.30 BCCM has no issue with the new designation for night time trading.

Published 28-day Notice

- 3.31 No responses were received to the notice.

Site F – Donegall Street, in parking bay near the junction with Waring Street (for night time trading)

- 3.32 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

- 3.33 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.

DFI Roads

- 3.34 The Department has advised that this part of the footway is too narrow to accommodate street trading because of street trees, etc.

Published 28 day Notice

- 3.35 No responses were received to the notice.

Site G – Cupar Way.

- 3.36 The proposal is for tourist souvenirs or similar commodities. The site will operate during the day.

PSNI

- 3.37 No objection.

DFI Roads

- 3.38 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.

Visit Belfast

- 3.39 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.
- 3.40 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.

Published 28-day Notice

- 3.41 No responses were received to the notice.

Site H – The Arc, Titanic Quarter (5 sites) Hamilton Dock.

- 3.42 This area is managed by Titanic Quarter Limited. Any subsequent Street Trading Licence will be in agreement with them.
- 3.43 The proposal is for hot and cold food and non-alcoholic beverages or similar commodities, gifts, crafts and souvenirs.

PSNI

- 3.44 No objection.

DFI Roads

- 3.45 No objection.

Published 28-day Notice

- 3.46 No responses were received to the notice.

Site I - Titanic Quarter (4 sites) Titanic Plaza.

- 3.47 This area is currently managed by Titanic Quarter Limited. Any subsequent Street Trading Licence will be in agreement with them.

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- 3.48 The proposal is for hot and cold food and non-alcoholic beverages or similar commodities, gifts, confectionary and souvenirs.**

PSNI

- 3.49 No objection.**

DFI Roads

- 3.50 No objection.**

Published 28-day Notice

- 3.51 No responses were received to the notice.**

Site J – Titanic Quarter (3 sites)

- 3.52 This area is currently managed by Titanic Quarter Limited. Any subsequent Street Trading Licence will be in agreement with them.**

- 3.53 The proposal is for hot and cold food and non-alcoholic beverages or similar commodities, gifts, confectionary and souvenirs.**

PSNI

- 3.54 No objection.**

DFI Roads

- 3.55 No objection.**

Published 28-day Notice

- 3.56 No responses were received to the notice.**

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.**

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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

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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.

Department for Communities Belfast Regeneration Directorate

3.80 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.

Department for Infrastructure Driver & Vehicle Agency

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

BCCM

3.82 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.

Visit Belfast

- 3.83 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.
- 3.84 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.
- 3.85 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.
- 3.86 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

- 3.87 No responses were received to the notice.

Site N – Castle Place opposite Donegall Arcade

- 3.88 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

- 3.89 No objection.

DFI Roads

- 3.90 No objection.

Department for Infrastructure Driver & Vehicle Agency

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

BCCM

- 3.92 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.

Visit Belfast

- 3.93 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.
- 3.94 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.

Published 28-day Notice

- 3.95 No responses were received to the notice.

Financial and Resource Implications

- 3.96 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.

- 3.97 **Equality or Good Relations Implications**

There are no equality or good relations issues."

The Committee proceeded to consider the sites set out within the aforementioned report and agreed the following:

New Streets or Parts Thereof

Lisburn Road - Outside Café Maud's

Moved by Councillor Hussey,
Seconded by Councillor Craig,

That the Committee agrees not to designate the site on the Lisburn Road, outside Café Maud's, on the grounds that it would be permitting a permanent stall to operate directly against the frontage of a premises and on the basis of the comments which had been received from DFI Roads regarding the narrowness of the footway at that point.

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On a vote by show of hand thirteen Members voted for the proposal and one against and it was declared carried.

Balmoral Road - Outside the former B&Q Site (on left hand side of the road)

The Committee agreed to designate the above-mentioned site in Balmoral Road, as a place in respect of which it might grant a stationary Street Trading Licence for the sale during the day of hot and cold food and non-alcoholic beverages or similar commodities from a food trailer.

Oldpark Road – In lay-by, 45 feet from the Junction with Hillview Road

The Committee agreed to designate the above-mentioned site in Oldpark Road, as a place in respect of which it might grant a stationary Street Trading Licence for the sale during the day of hot and cold food and non-alcoholic beverages or similar commodities from a mobile catering unit.

Bridge Street – In Lay-by, Outside Nos. 12 – 16 Bridge Street

Donegall Street – In Parking Bay, Near the Junction with Waring Street

Gordon Street – At its Junction with Dunbar Street, beside Metal Artwork

The Committee agreed to defer consideration of the designation of the above-mentioned 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:

- i. the location of those hot food stalls which were licensed currently to operate within the City centre:
- ii. 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
- iii. the licensing of hot food stalls in other cities.

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 at which the matter would next be considered.

Cupar Way

The Committee agreed to defer consideration of the designation of the above-mentioned site in Cupar Way for the sale of tourist souvenirs to allow for responses to be received from Fáilte Feirste and the Greater Shankill Partnership and to seek the views of Coiste and Epic, both of which provided cultural tours in that area.

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The Arc – Titanic Quarter - Hamilton Dock (5 Sites)

Titanic Quarter – Titanic Plaza (4 Sites)

Titanic Quarter (3 Sites)

The Committee agreed to designate the above-mentioned twelve sites within the Titanic Quarter as places in respect of which it might grant a stationary Street Trading Licence for the sale of hot and cold food and non-alcoholic beverages or similar commodities, gifts, crafts and souvenirs.

Variation of the Commodities and Services to be Provided

Lower Garfield Street - At its Junction with North Street

Moved by Councillor Dudgeon,
Seconded by Councillor Craig,

That the Committee agrees to defer consideration of the designation of the above-mentioned site in Lower Garfield Street to enable the views of local retailers and the developer of the proposed Royal Exchange redevelopment project to be sought.

Amendment

Moved by Councillor Campbell,
Seconded by Councillor Groves,

That the Committee agrees to vary the designating resolution for the above-mentioned site in Lower Garfield Street, to allow for the sale of confectionary and hot food, to include crepes, hot pastries, paninis, roasted nuts, rolls, sandwiches, sausage rolls and waffles.

On a vote by show of hand twelve Members voted for the amendment and two against and it was declared carried.

The amendment was thereupon put to the meeting as the substantive motion and passed.

Donegall Square North – At the Front of the City Hall

Moved by Councillor Craig,
Seconded by Councillor Dudgeon,

That the Committee agrees not to vary the designating resolution for the site in Donegall Square North, at the front of the City Hall, to allow for the sale of confectionary and artisan hot food, on the basis of the comments which had been received from the Council's Markets and Facilities Management Units and from Visit Belfast.

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On a vote by show of hand six Members voted for the proposal and eight against and it was declared lost.

On a recorded vote, nine Members voted for the proposal to vary the designating resolution for the site in Donegall Square North, at the front of the City Hall, to allow for the sale of confectionary and artisan hot food, and six against and it was declared carried.

<u>For 9</u>	<u>Against 6</u>
Councillors Baker, Boyle, Campbell, Clarke, Collins, Groves, Heading, McConville and McReynolds.	Alderman Spence (Chairperson); Aldermen L. Patterson; and Councillors Craig, Dudgeon, Hussey and Hutchinson.

Castle Junction Kiosk

Castle Place – Opposite Donegall Arcade

The Committee agreed to defer consideration of the variation of the designating resolutions for the above-mentioned sites in Castle Junction and Castle Place to allow for the sale of bus tour tickets to enable further information to be provided on the issues which had arisen previously around the sale of such tickets and on the outcome of the review which had been undertaken by the Development Department and which had, in October, 2015, been presented to the City Growth and Regeneration Committee.

Blackstaff Square

The Committee agreed, at the request of the Department for Communities, to reverse its decision of 21st June to rescind the designating resolution for a stationary street trading site in Blackstaff Square, as recommended within paragraph 2.1.3 of the report, thereby permitting a licensed trader to operate on the site.

Non-Delegated Matters

Update on Premises Licensed to Provide Entertainment beyond 1.00 a.m.

The Committee was reminded that, at its meeting on 18th October, it had agreed that a report be submitted to a future meeting providing information on those premises within the City which were licensed to provide entertainment beyond 1.00 a.m. and on the Council's powers to manage their impact upon local communities.

The Building Control Manager reported that 502 venues currently held Entertainments Licences, over half of which were public houses/clubs and registered clubs. Of those 502 venues, forty-two were licensed to provide entertainment till 3.00 a.m. and fifteen till 2.00 a.m., some of which could operate beyond 1.00 a.m. only on certain nights of the week.

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He explained that, upon receipt of an application for extended hours, officers would meet with the applicant to assess the requirement and to discuss with them the measures which they would need to implement to minimise any adverse impact. He reminded the Committee that it had been mindful always of the impact which those premises which were licensed to operate till 2.00 a.m. or 3.00 a.m. might have on the surrounding area and that it had sought to introduce an additional level of control by attaching conditions, many of which had been suggested and agreed in advance with the applicant, aimed at minimising nuisance and disturbance. He provided examples of those conditions and pointed out that failure to adhere to them could result in legal proceedings being initiated against the applicant, licensee or manager. Convictions were then brought to the attention of the Committee as future applications were being considered. He added that the Council's Environmental Protection Unit had statutory powers under the Clean Neighbourhoods and Environment Act 2011 and the Noise Act 1996 to control noise from entertainment after 11.00 p.m. and referred all complaints to the Building Control Service to ensure that appropriate action was taken against any alleged offenders who held Entertainments Licences.

The Committee noted the information which had been provided.

Chairperson