

Licensing Committee

Wednesday, 18th April, 2018

MEETING OF LICENSING COMMITTEE

Members present: Alderman Spence (Chairperson);
The High Sheriff (Councillor Howard);
Alderman L. Patterson; and
Councillors Boyle, Campbell, Clarke, Canavan, Collins,
Craig, Dudgeon, Groves, Heading, Hussey, Hutchinson,
McConville, McReynolds and Milne.

In attendance: Mr. S. Hewitt, Building Control Manager;
Miss N. Largey, Divisional Solicitor;
Mr. J. Cunningham, Regulatory Services Manager; and
Mr. J. Hanna, Senior Democratic Services Officer.

Apologies

Apologies for inability to attend were reported from the Deputy Lord Mayor (Councillor Copeland) and Councillor O'Hara.

Minutes

The minutes of the meeting of 21st March were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council, at its meeting on 9th April, 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.

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

Licences/Permits issued under Delegated Authority

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

Consideration of Entertainments Licences where the Applicant has been Convicted of an Offence – Muriel's Bar

The Committee considered a report in relation to an application for an Entertainments Licence where the applicant had been convicted of an offence under the Local Government Miscellaneous Provisions (NI) Order 1985 within the previous five years.

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The Building Control Manager reminded the Members that the normal process for dealing with Entertainments Licence applications which were not the subject of objections was that the licence would be granted as provided for in the Council's Scheme of Delegation. However, since the applicant had been found guilty of committing an offence within five years of the application for a licence being submitted to the Council, the Committee was required to consider the following application:

Premises and Location	Applicant	Application Type	Offence Details	Date of Conviction & Penalty
Muriel's Bar 12-14 Church Lane, Belfast, BT1 4 QN	Ms Janine Kane JK Pubs Ltd.	Grant	December 2014 <u>The Spaniard</u> Entertainment taking place in an area of the premises not covered by the Entertainments Licence	11 August 2015 £150 and £69 Court costs

Notwithstanding the possibility of refusing an Entertainments Licence on any other grounds, the Council may refuse an application on the grounds that the applicant had been convicted of an offence under the Order.

The Building Control Manager reported that the application was for the grant of an Entertainments Licence at Muriel's Bar and was being placed before the Committee because the applicant had been convicted of offences under the Order at the Belfast Magistrates' Court on 11th August, 2015, regarding one of their other premises; namely, The Spaniard, 3 Skipper Street. During an inspection at the Spaniard it was found that entertainment was being provided in the ground floor area, without a valid entertainments licence being in place.

He explained that this was the fourth time an application had been considered since the applicant was convicted on 11th August, 2015 and previous renewal applications for the Spaniard had been considered by the Committee on 20th January, 2016, 19th April, 2017 and 14th February, 2018 and, after consideration, the Committee had agreed to renew the licence on each occasion.

Since the licence for the Spaniard was renewed, the premises had been subject to one during performance inspection, whilst Muriel's had been subject to a grant inspection and it had been found that management procedures were being implemented effectively.

Public notice of the application had been placed and no written representations had been lodged as a result of the advertisements. In addition, both the Police Service of Northern Ireland and the Northern Ireland Fire and Rescue Service had been consulted and both had confirmed that they had no objections.

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The Committee agreed to grant the Seven-day Annual Indoor Entertainments Licence in respect of Muriel's Bar, 12-14 Church Lane.

**Entertainments Licence applications for the
Wellington Park Hotel and Botanic Inn**

The Building Control Manager submitted for the Committee's consideration the following report:

1.0 Purpose of Report or Summary of main Issues

1.1 The purpose of this report is to:

- 1. Consider an application for the grant of a 7-Day Annual Outdoor Entertainments Licence for the Wellington Park Hotel based on the Council's standard conditions to provide outdoor musical entertainment.**
- 2. Consider an application for the variation of the 7-day Annual Indoor Entertainments Licence for the Botanic Inn based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind.**
- 3. Update Members on representations, previously discussed at your meeting of 19 April 2017, received from the Lower Malone Residents Association objecting to both applications. The Lower Malone Residents Association has confirmed that they are happy to withdraw their objection on the basis that both licences are issued for a six month period.**

- 1.2 Members are reminded that all applications for the grant of Outdoor Entertainments Licences and applications for the extension of hours of entertainment beyond 1.00am must be brought before the Committee for consideration.**

2.0 Recommendations

- 2.1 Taking into account the information presented and any representations made in respect of the applications you are required to make a decision to either:**

- 1. Approve the application for the grant of the 7-day Annual Outdoor Entertainments Licence for the Wellington Park Hotel and / or the variation of the 7-day Annual Indoor Entertainments for the Botanic Inn, or**
- 2. Approve the application for the grant of the 7-day Annual Outdoor Entertainments Licence with special conditions, and / or the application for the variation of the 7-day Annual Indoor Entertainments with special conditions, or**

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3. Refuse the application for the 7-day Annual Outdoor Entertainments Licence and / or the variation of the 7-day Annual Indoor Entertainments.

2.2 If the applications are 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 Recorders Court.

2.3 In the case that the applicant subsequently decides to appeal outdoor entertainment may not be provided at the Wellington Park Hotel until any such appeal is determined and the Botanic Inn will continue with its present hours until that appeal is determined.

3.0 Main report

Key Issues

	<u>Premises and Locations</u>	<u>Ref. Nos.</u>	<u>Applicant</u>
3.1	Wellington Park Hotel 19-21 Malone Road Belfast BT9 6RU	WK/201600883	Mr Felix Mooney Dunadry Development Company Ltd Wellington Park Hotel 19-21 Malone Road Belfast, BT9 6RU.
3.2	Botanic Inn 23-27 Malone Road Belfast BT9 6RU	WK/201602416	Mr Felix Mooney Cathal GM Ltd Botanic Inn 23-27 Malone Road Belfast, BT9 6RU.
3.3	Both premises currently hold indoor Entertainments Licences and have previously been considered by the Licensing Committee as a result of objections by the Lower Malone Residents Association to the applications although no objections have been received in recent years.		
3.4	A copy of both application forms are attached to this report as Appendix 1.		

Details of the Premises and Proposals

Wellington Park Hotel

- 3.5 The applicant proposes to provide outdoor entertainment within the external beer garden, which is located to the front of the Wellington Park Hotel. The external area will be utilised by both the Botanic Inn and the Wellington Park Hotel.
- 3.6 The proposed occupancy of the external beer garden will be 350 persons.
- 3.7 The capacity of 350 persons for the outdoor area will be included in the existing overall maximum occupancy of the indoor areas; it is not in addition to this occupancy.
- 3.8 Members are advised that the maximum indoor occupancy for both premises will be managed in conjunction with the external area to ensure numbers do not exceed capacity.
- 3.9 The days and hours during which entertainment is proposed to be provided within the external area is as follows:
- Monday to Saturday 11.30 am to 11.00 pm, and
 - Sunday 12.30 pm to 10.00 pm.
- 3.10 The applicant has advised that, if a licence is granted for the area, it is his intention to provide low key entertainment in the form of solo performers, live bands or a DJ through the in-house speaker system.
- 3.11 Layout plans of the proposed external area are attached to this report for your information as Appendix 2.

Botanic Inn

- 3.12 Whilst the applicant applied to provide entertainment to 3.00am from Monday to Saturday this has been revised after discussion with the Lower Malone residents and he now only wishes to extend the hours during which entertainment is to be provided on a Wednesday from 11.30am to 3.00am the following morning.
- 3.13 The areas currently licensed to provide entertainment are the:
- Ground Floor Bar, with a maximum capacity of 550 persons.
 - First Floor, with a maximum capacity of 500 persons.

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

- **Monday to Saturday: 11.30 am to 01.00 am the following morning**
- **Sunday: 12.30 am to 12.00 midnight.**

3.15 The current licence has a special condition noting that entertainment may be provided until 2.00am the following morning on Wednesday, Thursday and Saturday in the first floor areas only. In addition, entertainment will be permitted to 2.00am should Christmas eve, New Year's eve, St. Patrick's night, Easter Monday, May Day or Halloween fall on a Sunday, Monday, Tuesday or Friday night.

3.16 There are also special conditions that:

- **The Licensee must adhere to the Pubs of Ulster's voluntary code of practice in relation to drinks promotions, and**
- **Licensee to attend, as required, liaison meetings between Belfast City Council Officers, the Lower Malone Residents' Association and the Police Service of Northern Ireland.**

3.17 The premise operates as a public bar and nightclub with entertainment being provided on both floors in the form of bands and DJs.

Representations

3.18 At your meeting of 19 April 2017 it was reported that representations had been received from the Lower Malone Residents Association objecting to both of these applications. The Committee agreed, in view of the explanation which had been provided and relevance of the objections, to exercise its discretion and consider the objections outside the 28-day statutory period at a future meeting of the Committee.

3.19 However, in the interim period there has been ongoing mediation between the parties and an agreement has now been reached whereby the Lower Malone Residents Association has confirmed that they are happy to withdraw their objection on the basis that both licences are issued for a six month period.

3.20 The applicant has confirmed that he would be agreeable to accepting a 6 month licence for both applications.

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- 3.21 A copy of the email from Lower Malone Residents Association withdrawing their objection is attached as Appendix 3.**

PSNI

- 3.22 The PSNI has been consulted and confirmed that they have no objections to the application.**

NIFRS

- 3.23 The Northern Ireland Fire and Rescue Service has been consulted in relation to the applications and confirmed that they have no objections to them.**

Health, safety and welfare inspections

- 3.24 Members are advised that Officers have carried out one recent During Performance Inspection at the Wellington Park Hotel and the conditions of the Entertainments Licence were being adhered to with the exception of some minor issues.**

- 3.25 Officers have carried out two recent During Performance Inspection at the Botanic Inn and on each occasion all technical matters were satisfactory and the appropriate measures and management procedures were being implemented effectively.**

Building Works to link both premises

- 3.26 As both premises are now owned by the same applicant a link has been created between them at ground floor level. The works included an area of the hotel being altered for use as a pool room. This is in an area that was covered by the existing entertainments licence and the alteration will not increase the occupancy of the area. A Building Regulations application has been received and the works are nearing completion. A copy of the floor plan is attached as Appendix 4.**

Noise issues

- 3.27 The Environmental Protection Unit (EPU) has been consulted in relation to the applications and they have confirmed that no complaints have been received relating to noise break out from the premises or due to patron dispersal in the past 12 months.**

- 3.28 As the proposal is to provide outdoor entertainment to the front of the Wellington Park Hotel, an acoustic report outlining the measures to be taken to ensure minimal disturbance to neighbouring residential premises, both due to noise breakout or from patron activity, was requested and**

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forwarded to the Council's Environmental Protection Unit (EPU).

- 3.29 EPU have recommended that, a sound test is conducted to verify that the noise limit proposed of 75 dBL_{Aeq,5mins} will not exceed the background noise level at the façade of the noise sensitive receptors.
- 3.30 Members are advised that Officers will ensure that the technical noise matters are addressed before the Entertainments Licence is granted.
- 3.31 EPU also advised that entertainment in the outdoor area should be managed in line with the Proposed Noise and Nuisance Management Strategy for Botanic Inn, Wellington Park Hotel and the common beer garden which were supplied by the Management. This management document is attached to this report for your information as Appendix 5.
- 3.32 Members may wish to consider making it a condition of the Outdoor licence that the area is managed in accordance with this Management Strategy.
- 3.33 Layout plans of the proposed external area are attached to this report for your information as Appendix 2.

Financial and Resource Implications

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

Equality and Good Relations Implications

- 3.35 There are no equality or good relations issues associated with this report."

The Building Control Manager reported that, subject to the report having been issued, a number of objections had been received from local residents and the Police Service of Northern Ireland in relation to the application for the variation of the entertainments licence for the Botanic Inn. He requested that the Committee might wish to consider deferring that application and consider only at this stage the application for the Wellington Park Hotel.

The Committee:

1. Agreed to defer, to a future meeting, consideration of the application for the variation for the 7-day Annual Indoor Entertainments Licence for the Botanic Inn to enable officers to comply with the protocol for dealing with the objections and for a further report to be submitted; and

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2. Approved the application for the grant of a 7-day Annual Outdoor entertainments Licence for the Wellington Park Hotel for a 6 month period based on the Council's standard conditions to provide outdoor musical entertainment and subject to all measures as set out in the acoustic report being put in place to the satisfaction of the Council and on the condition that the Outdoor Licence for the area is managed in accordance with the Management Strategy as set out in appendix 5 to the report.

**Consideration of Designating Resolutions for
Street Trading Sites – Hot Food**

The Committee considered the following report:

“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:**
 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:**
 - **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. **Decide not to proceed with the proposal.**
- 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.**

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2.3 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.

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 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.
- d) Local residents, business and commercial premises in the vicinity of the site in respect of which the application has been received.

3.4 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.

Deferred applications

3.5 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:

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- 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.

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.

3.14 Glasgow City Council

The city centre area has sufficient provision for street trading, therefore no further street traders licences will be granted within the city centre area.

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.

3.15 Edinburgh City Council

Traders selling food will be granted hours of operation no later than 11pm.

3.16 Cardiff City Council

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

They have no specific policy on hot food

Consideration of the Designation of new streets or part thereof

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- 3.17 Each site is listed separately from A to C and indicated with their specific site location.
- 3.18 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.
- 3.19 Maps and photographs of each location will be presented to you at your meeting.

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

- 3.20 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

- 3.21 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

- 3.22 No objection.

Department for Communities Belfast Regeneration Directorate

- 3.23 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

- 3.24 No responses were received to the notice.

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

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

- 3.26 Police wish to object to the application. They believe that a Street Trading Pitch here would provide a focus for

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concentrated groups when licensed premises close leading to disorder and violence.

DFI Roads

- 3.27 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

- 3.28 Has no issue with the new designation for night time trading.

Published 28 day Notice

- 3.39 No responses were received to the notice.

Site C – Donegall Street, in parking bay near the junction with Waring Street for night time trading.

- 3.40 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

- 3.41 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

- 3.42 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

- 3.43 No responses were received to the notice.

Financial & Resource Implications

- 3.44 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.

Equality or Good Relations Implications

- 3.45 There are no equality or good relations issues.”

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The Building Control Manager reported that Inspector Hughes, Police Service of Northern Ireland, which had objected to the three applications was in attendance to address the Committee and he was invited to the table and welcomed by the Chairperson.

Inspector Hughes explained that it was the experience of the PSNI that, not just with hot food bars, but most of the establishments, which operated after 2.00 or 3.00a.m in the morning, was that they were a magnet for anti-social behaviour, fights and problems after the nightclubs closed. He stated that often they find that any problems, which happen in the club, will normally spill out and any issues that occurred tend to continue and be settled at the burger bars. He referred to a 24-hour city centre hot food establishment at which there had been numerous problems with serious assaults and antisocial behaviour. He indicated that the previous designations for street trading licences had been in 2002 and Belfast had changed a lot since then and, if applications for those licences were being submitted now, the Police Service would be objecting to them.

Inspector Hughes then answered a number of question from the Members and he retired from the table.

The Committee then considered each of the applications in turn.

**Site A – Gordon Street, at Junction with Dunbar Street
beside metal art work for night time trading**

Moved by Councillor Hussey,
Seconded by Councillor Craig,

Resolved – That the Committee agrees not to designate the site at Gordon Street as night time street trading pitch on the basis of the objections from the Police Service of Northern Ireland.

**Site B – Bridge Street, in parking bay outside
12 – Bridge Street**

Moved by Councillor Hussy,
Seconded by Councillor Craig,

Resolved – That the Committee agrees not to designate the site for night time street trading on the basis of the objections from the Police Service of Northern Ireland and the Department for Infrastructure.

**Site C – Donegall Street, in parking bay near the
junction with Waring Street**

Moved by Councillor Hussey,
Seconded by Councillor Craig,

Resolved – That the Committee agrees not to designate the site for night time street trading on the basis of the objections from the Police Service of Northern Ireland and the Department for Infrastructure.

**Consideration of the Variation of Designated Commodities
for Street Trading Sites –Sale of Bus Tour Tickets**

The Committee considered the following report:

“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. 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.**

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

- PSNI, and
- Department for Infrastructure - Roads.

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

- Relevant Belfast City Council Departments.
- Belfast City Centre Management Company (BCCM)

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.

Previously Deferred Decisions of the applications to vary the designating resolutions for sites at Castle Junction Kiosk and Castle Place

3.6 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.

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- 3.7** The outcome of that research had, on 14 October 2015, been presented to the Council's City Growth and Regeneration Committee.
- 3.8** 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.

Recently deferred applications

- 3.9** 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.
- 3.10** Members are reminded that neither Belfast City Council nor the Licensing Committee has any legislative authority or responsibility for the licensing of Bus Tours.

Previous problems

- 3.11** 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.
- 3.12** 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.
- 3.13** 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.

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- 3.14 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.**
- 3.15 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.**

Review by Development Department

- 3.16 A copy of the report (and minutes) which was presented to the City Growth and Regeneration Committee in October 2015.**
- 3.17 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.**
- 3.18 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.**
- 3.19 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.'***
- 3.20 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'***
- 3.21 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.'

Additional correspondence received

- 3.22 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.
- 3.23 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.

Consideration of the variation of designated commodities

- 3.24 Each site is listed separately and indicated with their specific site location.
- 3.25 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.
- 3.26 Maps and photographs of each location will be presented to you at your meeting.

Site A – Castle Junction Kiosk

- 3.27 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

- 3.28 No objection.

DFI Roads

- 3.29 No objection.

Department for Communities Belfast Regeneration Directorate

- 3.30 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

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

BCCM

- 3.32 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.
- 3.33 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.
- 3.34 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.
- 3.35 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.

Visit Belfast

- 3.36 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.
- 3.37 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

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outlet could cause issues amongst the street staff, with a risk that the area around the Kiosk could become unpleasant for visitors.

- 3.38 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.
- 3.39 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

- 3.40 No responses were received to the notice.

Site B – Castle Place opposite Donegall Arcade

- 3.41 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

- 3.42 No objection.

DFI Roads

- 3.43 No objection.

Department for Infrastructure Driver & Vehicle Agency

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

BCCM

- 3.45 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.
- 3.46 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

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in the City, the conduct of rival bus tour staff appear to be aggressive and intimidating.

- 3.47 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.
- 3.48 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.

Visit Belfast

- 3.49 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.
- 3.50 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

- 3.51 No responses were received to the notice.
- 3.52 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 apply to the Council to trade in the additional commodity of selling bus tour tickets and that those applications, if received, would be considered at a future meeting of the Licensing Committee.

Financial & Resource Implications

- 3.53 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.

Equality or Good Relations Implications

There are no equality or good relations issues."

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After discussion, it was

Moved by councillor Dudgeon,
Seconded by Councillor Craig,

That the Committee agrees to defer consideration of the matter to enable clarification to be obtained from both the Department for Communities and Visit Belfast on the sale of bus tickets at the two sites and for a written legal opinion to be provided on the specified articles, things or services or classes of specified articles, things or services that may be sold.

Amendment

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

That the Committee agrees not to grant the variation of the designating resolutions for sites A and B as set out in the report.

On a recorded vote, five Members voted for the amendment and twelve against and it was declared lost.

For 5	Against 12
Aldermen Spence and L. Patterson; Councillors Craig, Dudgeon and Hussey.	Councillors Boyle, Campbell, Clarke, Canavan, Collins, Groves, Heading, Howard, Hutchinson, McConville, McReynolds and Milne.

The original proposal standing in the name of Councillor Dudgeon and seconded by Councillor Craig was put to the meeting and passed.

Non-Delegated Matters

**Road Closure – Categorisation of Events,
Fees and Advertising of Notices**

The Committee considered the following report:

“1.0 Purpose of Report or Summary of main Issues

- 1.1 The Committee is requested to consider the contents of the report and the deferred Road Closure report from your meeting of 14 February 2018.**
- 1.2 Members are asked to determine a schedule of fees for applications to close roads and the parameters for placing the legal notice which the Council must publish in respect of each application.**

2.0 Recommendations

2.1 Members are asked to consider the information presented and make recommendations, subject to any necessary amendments, as to:

- 1. Whether a fee scheme based on indicative notional costs should be established;**
- 2. the categories and definition of events for which fees will be charged;**
- 3. the appropriate paper(s) that may be used to advertise an application for an order;**
- 4. the appropriate fees that are set for events; and,**
- 5. if a concessionary fee should be introduced in respect of voluntary organisations or charities and the level of that fee.**

2.2 As these decisions are not a delegated function of the Licensing Committee any decision will be subject to ratification by Council.

3.0 Main report

Key Issues

3.1 Members will recall that, at your meeting in February 2018, you considered the proposed fees for road closures and agreed to defer consideration to enable Officers to discuss with Athletics NI and other relevant parties the fees which they could potentially be required to pay to allow for road closures for 10k runs and other sporting events.

3.2 A copy of the minutes from your February meeting is attached as Appendix 1. As a reminder for Members some of the key points from that report are:

Classification of events

Small local events

3.3 The event is a small, local, neighbourhood event where people attending are not from outside the street (e.g. street party) or immediate neighbourhood. To be considered a 'small event' the event should meet the following criteria:

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1. It is held on minor residential roads (e.g. cul-de-sacs or side streets);
2. The proposed road to be closed must not have a bus route along it;
3. The proposed road to be closed must not have a car park located on it which is accessed via the road to be closed (other than a car park for residents of the road);
4. The event must not be publicised for the general public and therefore will not draw in people from the wider area;
5. The event should apply to residents of one or two streets only and not to larger areas of the district/borough/city. It is up to the Council to consider factors such as the proposed attendance figures, etc. when making its decision on whether to grant an Order.
6. The event should finish by 11.00 pm and:
 - Not have a stage built from which entertainment would be provided
 - Not have amplified entertainment which may cause nuisance to the wider area
 - Not have fireworks, pyrotechnics or bonfires on the street
 - Not have alcohol or food sold at the event.

Large event

- 3.4 If the event does not meet the above criteria, then the event will be considered a large event. This includes all filming events.

Publication of a Legal Notice

- 3.5 The Act requires that the Council must publish a notice in at least one newspaper, circulating in the district, stating that representations may be made in writing to any application for an Order to close a road for a special event.
- 3.6 Members will be aware that the Council has brand guidelines which apply to any advert or notice placed in the press to portray an instantly recognisable visual image for the organisation.
- 3.7 During the Party Briefings there was unanimous agreement on minimising the cost to applicants regarding our requirement to publish a notice in the newspaper.
- 3.8 In light of this Committee may wish to consider adopting the same procedures currently agreed for Entertainments Licence

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advertising and publish the notice in a local newspaper distributed or sold in the area where the special event is being held. Or, if the special event is being held within the City Centre, then the notice will be advertised in either the Belfast Telegraph, Daily Mirror (Northern Ireland Edition), Irish News or Newsletter (Ulster Edition) on a rotational basis as each new application is received.

- 3.9** Where a special event extends beyond the City Centre to various areas of the City, such as the Belfast Marathon, then it is proposed that the advert is placed in one of the four main newspapers. These proposals would be regardless of the notice being for a large or small event.
- 3.10** To help heighten awareness about any proposed road closure the Notice will also be published on the Council's website which will benefit from being available over a longer period of time and to a wider audience.
- 3.11** To ensure Members are kept informed, it is also proposed to notify all Councillors directly of any application to close a road for a special event so that your views may be considered prior to making an Order.
- 3.12** Additionally, anyone who applies to close a road will be required to demonstrate that they have notified those in the vicinity regarding the road closure. This should ensure that the views of those most affected by the closure are also taken into account.
- 3.13** If the Committee agrees to adopt the same procedures currently used for Entertainments Licensing, the overall cost including current salary, employee on-costs and advertising expenditure result in the proposed fees:

Newspaper used	Fee* for Large event	Fee* for Small event	Location of event
Belfast Telegraph	£1000	£800	City centre
Irish News			
Newsletter			
Daily Mirror			
Andersonstown News	£650	£400	Outside city centre
North Belfast News			
South Belfast News			
East Belfast and Shankill Mirror			

*** Fees have been rounded for convenience.**

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Concessionary fees

- 3.14** Through the Party Briefings concerns were raised about the impact the Act would have on organisers of community based/small scale events who have limited resources and often rely on small levels of Council funding to assist with the holding of their events.
- 3.15** In setting the fees in respect of Entertainments Licence applications the then Department of the Environment had determined that any application for an outdoor licence by a voluntary organisations or charity would benefit from a reduced fee equivalent to 12.5% of the total standard application fee.
- 3.16** A voluntary organisation is defined as an organisation carrying on activities other than for the purpose of gain by the organisation or individual members thereof. This will include community based organisations whose events are organised in pursuit of a general public benefit, when the funds raised from the event, if any, are used for that purpose.
- 3.17** Members may wish to consider setting a similarly reduced fee for voluntary organisations or charities applying for an Order to restrict the use of or close a road for a small scale event.
- 3.18** If Committee were to agree to this concession then, based on the proposed fees at 3.13, the suggested fee for a small event would be:

Newspaper	<i>Small event total</i>	Concession fee for small events	Location of event
Belfast Telegraph	<i>£800</i>	£100	City centre
Irish News			
Newsletter			
Daily Mirror			
Andersonstown News	<i>£400</i>	£50	Outside city centre
North Belfast News			
South Belfast News			
East Belfast and Shankill Mirror			

- 3.19** During Party Briefings there was wide support for having no charge applied to small scale events. This is a further option for Members to consider.

Deferred actions

- 3.20 Committee deferred consideration to enable Officers to discuss with Athletics NI and other relevant parties the fees which they could potentially be required to pay to allow for road closures for 10k runs and other sporting events.
- 3.21 Officers have met with Mr David Seaton, Chairman and Mr John Allen, General Secretary of Athletics NI and organisers of some of the other running races such as Spar 10k, Laganside 10k, Queens 5k and Belfast marathon.
- 3.22 There was a general preference that running events should still be dealt with as parades, which were facilitated by the PSNI, and meant they paid nothing to hold them on the road. PSNI has advised race organisers that the power now lies with the Councils to deal with these events.
- 3.23 Athletic NI, as the governing body, recognise that the changes, whilst challenging for running clubs, should raise the standard of how running events are organised. It was also accepted that the clear majority of runs on the road already had traffic management plans in place.
- 3.24 During our discussions it became clear that running races fall into two classifications:
1. Commercial events or running races that have a substantial impact on the road network or are within the City centre. Examples, based on current events, would include the Belfast Marathon, ½ Marathon & Craic 10k.
 2. Club runs or running races that have minor impact on the road network and are outside the City Centre in a small geographical area. Examples, based on current events, would include Laganside 10k (mostly off road) & Queens 5k. These types of running races are generally organised by voluntary organisations and any profit made from them is used to fund the activities of the club
- 3.25 It has been suggested that classification 1 running races as above, given their impact across the City, be considered a large event in our pricing schedule and classification 2 running races should be considered eligible for the concessionary fees open to voluntary organisations or charities.

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3.26 Members may also wish to consider if classification 1 running races organised by registered charities for fund raising purposes should be included within the voluntary classification and benefit from the reduced fee equivalent to 12.5% of the total standard application fee.

3.27 If so the fees, based on the proposals at 3.13, would be:

**Classification 1 Running Races:
£1000 generally (But a reduced fee of £125 for events organised by registered charities for fund raising purposes).**

Classification 2 Running Races: £50.

3.28 Members may also wish to include triathlons and cycling races within the definition of a running race.

Financial & Resource Implications

3.29 There will be direct financial costs attached to the administration of the Act by the Council and, whilst such costs may be recovered from applicants, decisions in relation to the extent of public notification required and the fee charging option chosen will determine the actual financial implications for the Council.

3.30 As we process more Road Closure applications the resources and costs associated with administering the Act will be reviewed annually to ensure that any necessary adjustments to fees may be brought to Committee for further consideration.

Equality or Good Relations Implications

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

After discussion, the Committee:

1. Agreed the classification of small local events and large events as set out in paragraphs 3.3 and 3.4 of the report and approved the event criteria, with the caveat that the list was not exhaustive and each application would be considered on a case by case basis;
2. Approved the advertising in the newspapers listed in paragraph 3.13 for large events, with the fee for a City centre event being £1000 and for outside the city centre £650;
3. Approved the advertising listed in paragraph 3.18 for small events, with a zero fee being set for both City centre and outside City centre events;
4. Agreed to the classification of running races as set out in 3.24 of the report, with the fee for Classification 1 Running Races being £1000 (but a reduced fee of £125 for events run by registered charities for

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- fund raising purposes); and to a zero fee being set for Classification 2 Running Races;
5. Agreed that triathlon and cycling races be included within the definition of a running race and that the definition of a voluntary organisation be as set out in 3.16 of the report; and
 6. To a review of the resources and costs associated with administering the Act being undertaken after 6 months.

Restricted Item

The information contained in the following item is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

Resolved – That the Committee agrees to exclude the members of the Press and public from the Committee meeting during discussion of this item as, due to the nature of the item, there would be a disclosure of exempt information as described in Section 42(4) and Section 6 of the Local Government Act (NI) 2014.

**Application for the Grant of an
Entertainments Licence S13**

The committee agreed that a special meeting be held, on a date to be determined by the Chairperson, to consider an application for an Entertainments Licence for S13, Boucher Road.

Chairperson