

**Democratic Services Section
Legal and Civic Services Department
Belfast City Council
City Hall
Belfast
BT1 5GS**



**Belfast
City Council**

14 May, 2025

MEETING OF THE LICENSING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in a Hybrid format, both remotely via Teams and in the Lavery Room, City Hall, on Wednesday, 21st May, 2025 at 5.15 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

AGENDA:

1. Routine Matters

- (a) Apologies
- (b) Minutes
- (c) Declarations of Interest

2. Delegated Matters

- (a) Licences Issued Under Delegated Authority (Pages 1 - 6)
- (b) Houses in Multiple Occupation (HMO) Licenses Issued Under Delegated Authority (Pages 7 - 10)
- (c) Application for a New Licence to operate a House of Multiple Occupation for Flat 3, 27 Cromwell Road (Pages 11 - 34)
- (d) Competing Stationary Street Trading Licence applications for Boucher Crescent at lamp post number 16 (Pages 35 - 52)
- (e) Competing Stationary Street Trading Licence applications for Duncrue Link 50ft from the junction with Duncrue Road (Pages 53 - 70)



Subject:	Licences Issued Under Delegated Authority
Date:	21 May 2025
Reporting Officer:	Kate Bentley, Director of Planning & Building Control, ext. 2300
Contact Officer:	Laura Hillis, Principal Building Control Surveyor, Ext. 2469

Restricted Reports

Is this report restricted?

Yes ☐ No ☒

Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.

Insert number

1. Information relating to any individual
2. Information likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the council holding that information)
4. Information in connection with any labour relations matter
5. Information in relation to which a claim to legal professional privilege could be maintained
6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction
7. Information on any action in relation to the prevention, investigation or prosecution of crime

If Yes, when will the report become unrestricted?

After Committee Decision
After Council Decision
Sometime in the future
Never

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Call-in

Is the decision eligible for Call-in?

Yes ☒ No ☐

1.0	Purpose of Report or Summary of main Issues																																				
1.1	Under the Scheme of Delegation, the Director of Planning and Building Control is responsible for exercising all powers in relation to the issue, but not refusal, of Permits and Licences, excluding provisions relating to the issue of Licences where adverse representations have been made.																																				
2.0	Recommendations																																				
2.1	The Committee is requested to note the applications that have been issued under the Scheme of Delegation.																																				
3.0	Main report																																				
	<u>Key Issues</u>																																				
3.1	<p>Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 the following Entertainments Licences were issued since your last meeting.</p> <table><tr><th>Premises and Location</th><th>Type of Application</th><th>Applicant</th></tr><tr><td>Belfast Stories Site, 92-100 Royal Avenue, Belfast, BT1 1DL.</td><td>Renewal (Marquee)</td><td>Ms Wendy Langham, Belfast City Council</td></tr><tr><td>Belfast Stories Site, 92-100 Royal Avenue, Belfast, BT1 1DL.</td><td>Renewal (Outdoor)</td><td>Ms Wendy Langham, Belfast City Council</td></tr><tr><td>Braniel Community Centre, Warren Grove, Belfast, BT5 7PX.</td><td>Renewal</td><td>Ms Catherine Taggart, Belfast City Council</td></tr><tr><td>Cahoots NI Ltd, Cityside Retail Park, 100-150 York Street, Belfast, BT15 1WA.</td><td>Renewal</td><td>Ms Hannah Fullerton, Cahoots NI Ltd</td></tr><tr><td>Clonduff Community Centre, 125 Clonduff Drive, Belfast, BT6 9NT.</td><td>Renewal</td><td>Ms Catherine Taggart, Belfast City Council</td></tr><tr><td>Concorde Community Centre, 36 Alliance Road, Belfast, BT14 7JB.</td><td>Renewal</td><td>Ms Catherine Taggart, Belfast City Council</td></tr><tr><td>Cregagh Youth & Community Centre, 69b Mount Merrion Avenue, Belfast, BT6 0FG.</td><td>Renewal</td><td>Ms Catherine Taggart, Belfast City Council</td></tr><tr><td>Divis Community Centre, 9 Ardmoulin Place, Belfast, BT12 4RT.</td><td>Renewal</td><td>Ms Catherine Taggart, Belfast City Council</td></tr><tr><td>Downshire Community Centre, Downshire Hall, 340-342 Cregagh Road, Belfast, BT6 9EX.</td><td>Renewal</td><td>Ms Catherine Taggart, Belfast City Council</td></tr><tr><td>Duncairn Community Centre, Upper Mervue Street, Belfast, BT15 2JZ.</td><td>Renewal</td><td>Ms Catherine Taggart, Belfast City Council</td></tr><tr><td>Dundela F C & Social Club, Wilgar Street, Belfast, BT4 3BL.</td><td>Renewal</td><td>Mr Marc Mc Cabe</td></tr></table>	Premises and Location	Type of Application	Applicant	Belfast Stories Site, 92-100 Royal Avenue, Belfast, BT1 1DL.	Renewal (Marquee)	Ms Wendy Langham, Belfast City Council	Belfast Stories Site, 92-100 Royal Avenue, Belfast, BT1 1DL.	Renewal (Outdoor)	Ms Wendy Langham, Belfast City Council	Braniel Community Centre, Warren Grove, Belfast, BT5 7PX.	Renewal	Ms Catherine Taggart, Belfast City Council	Cahoots NI Ltd, Cityside Retail Park, 100-150 York Street, Belfast, BT15 1WA.	Renewal	Ms Hannah Fullerton, Cahoots NI Ltd	Clonduff Community Centre, 125 Clonduff Drive, Belfast, BT6 9NT.	Renewal	Ms Catherine Taggart, Belfast City Council	Concorde Community Centre, 36 Alliance Road, Belfast, BT14 7JB.	Renewal	Ms Catherine Taggart, Belfast City Council	Cregagh Youth & Community Centre, 69b Mount Merrion Avenue, Belfast, BT6 0FG.	Renewal	Ms Catherine Taggart, Belfast City Council	Divis Community Centre, 9 Ardmoulin Place, Belfast, BT12 4RT.	Renewal	Ms Catherine Taggart, Belfast City Council	Downshire Community Centre, Downshire Hall, 340-342 Cregagh Road, Belfast, BT6 9EX.	Renewal	Ms Catherine Taggart, Belfast City Council	Duncairn Community Centre, Upper Mervue Street, Belfast, BT15 2JZ.	Renewal	Ms Catherine Taggart, Belfast City Council	Dundela F C & Social Club, Wilgar Street, Belfast, BT4 3BL.	Renewal	Mr Marc Mc Cabe
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Finaghy Community Centre, Geeragh Place, Belfast, BT10 0ER.	Renewal	Ms Catherine Taggart, Belfast City Council
Highfield Community Centre, High Green, Belfast, BT13 3SA.	Renewal	Ms Catherine Taggart, Belfast City Council
Inverary Community Centre, Inverary Avenue, Belfast, BT4 1RN.	Renewal	Ms Catherine Taggart, Belfast City Council
Katy Dalys, Limelight, & Limelight 2, 17-21 Ormeau Avenue, Belfast, BT2 8HD.	Renewal	Mr Alan Simms, The Limelight Belfast Ltd
Knocknagoney Community Centre, 41A Knocknagoney Drive, Belfast, BT4 2QF.	Renewal	Ms Catherine Taggart, Belfast City Council
Lavery's Bar, 12-18 Bradbury Place, Belfast, BT7 1RS.	Renewal	Mr Bernard Lavery, Lavery Ltd
Memorial Hall, Townsend Street, Belfast, BT13 2ES.	Grant	Ms Aueven Sands, Ulster Orchestra Society Ltd
Morton Community Centre, Lorne Street, Belfast, BT9 7DU.	Renewal	Ms Catherine Taggart, Belfast City Council
North Queen Street Community Centre, 46A Victoria Parade, Belfast, BT15 2EN.	Renewal	Ms Catherine Taggart, Belfast City Council
Salisbury Bowling Club, 49 Salisbury Avenue, Belfast, BT15 5DZ.	Renewal	Mr Kevin O' Neill, Salisbury Bowling Club Ltd
St Johns GAC Social Club, 93 Whiterock Road, Belfast, BT12 7PG.	Renewal	Mr Ronan Heenan
Suffolk Community Centre, Carnanmore Park, Belfast, BT11 9LX.	Renewal	Ms Catherine Taggart, Belfast City Council
The Fitzwilliam Hotel Belfast, 1-3 Great Victoria Street, Belfast, BT2 7BQ	Renewal	Mr Cian Landers, Graffan Properties Ltd
Thompsons Garage, 3 Pattersons Place, Belfast, BT1 4HW	Renewal (Indoor)	Mr Stephen Boyd, Endless Music Ltd
Thompsons Garage, 3 Pattersons Place, Belfast, BT1 4HW.	Renewal (Outdoor)	Mr Stephen Boyd, Endless Music Ltd
Tullycarnet Bowling Pavilion, Tullycarnet Park, Kingswood Park, Belfast, BT5 7GE	Renewal	Mr Stephen Leonard, Belfast City Council
Tullycarnet Community & Resource CR, Kinross Avenue, Belfast, BT5 7GE.	Renewal	Ms Catherine Taggart, Belfast City Council
West Belfast Sports And Social Club, 370 Falls Road, Belfast, BT12 6DG.	Renewal	Mr Brendan O Neill
Whiterock Community Centre, Whiterock Close, Belfast, BT12 7RG.	Renewal	Ms Catherine Taggart, Belfast City Council

3.2

Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 the following Amusement Permits were issued since your last meeting.

Premises and Location	Type of Application	Applicant
Hollywood Bowl, Unit 2 Odyssey Pavilion, 2 Queens Quay, Belfast, BT3 9QQ.	Renewal	Mr Stephen Masterson, The Original Bowling Company (NI)Ltd

3.3

Under the terms of the Cinemas (Northern Ireland) Order 1991 the following Cinema Licences were issued since your last meeting.

Premises and Location	Type of Application	Applicant
Ulster Museum, 4 Stranmillis Road, Belfast, BT9 5AB.	Renewal	Ms Debbie Mc Camphill
Fratelli Belfast, Unit 1, Andras House, 60 Great Victoria Street, Belfast, BT2 7BB	Renewal	Mr Colin Johnston, Fratelli Belfast Ltd

3.4

Under the terms of the Petroleum Consolidation Act 1929 the following Petroleum Licences were issued since your last meeting.

Premises and Location	Type of Application	Applicant
Top Stewartstown Road, 140 Stewartstown Road, Belfast, BT11 9NB.	Renewal	Mr Greg Murtagh, Top Stewartstown Road Ltd

3.5

Under the terms of the Street Trading Act (Northern Ireland) 2001 the following Street Trading Licences were issued since your last meeting.

Location	Type of Application	Commodity	Hours Licensed	Applicant
Donegall Square North at City Hall, Belfast.	Grant Stationary	Steamed sweetcorn and hot momos	Mon – Sun 10:00 – 20:00	Mrs Nayana Prafful
Falls, Ballymurphy, Turf Lodge, Ladybrook, Andersonstown, Ardoyne, Ligoneil, Cliftonville, Fortwilliam.	Renewal Mobile	Cold beverages, confectionary, ice cream	Mon – Sat: 12:00 – 19:00 Sun: 01:00 – 19:00	Mr Robert Joseph Morelli (jnr)

3.6

Under the terms of the Road Traffic Regulation (Northern Ireland) Order 1997 the following Road Closure Orders were issued since your last meeting.

Location	Type of Activity	Date and Hours permitted	Applicant
Across Belfast	Belfast City Marathon 2025	Sun 4 May 2025 06:00 – 16:00	Ms Claire O’Neil

	Location	Type of Activity	Date and Hours permitted	Applicant
	Brunswick Street, James Street South, Castle Street, Fountain Street	Filming	Brunswick Street Tues 15 April 2025 08:00 – 19:00 & Wed 16 April 2025 08:00 – 12noon Castle Street Tues 29 April 2025 07:00 – 19:00	Mr Robert Huffam
	Candahar Street	Street Party	Sat 10 May 2025 08:00 – 10:00	Mr Gerry Tubritt
	Cyprus Avenue, Kirkliston Drive	Filming	Fri 11 April 2025 08:00 – 18:00	Mr Robert Huffam
	Maryville Park, Myrtlefield Park	Filming	Mon 28 April 2025 08:00 to 15:00 Tues 29 April 2025	Mr Robert Huffam
	Slievemoyne Park	Filming	Thurs 24 April 2025 11:00 – 19:00	Mr Robert Huffam
	Woodstock Road	Community Event VE Day	Mon 5 May 2025 09:00 – 22:00	Mr Stephen Gough
3.7	Under the terms of the Licensing of Pavement Cafés Act (Northern Ireland) 2014 no Pavement Café Licences were issued since your last meeting.			
	<u>Financial & Resource Implications</u>			
3.8	None.			
	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>			
3.9	There are no issues associated with this report.			

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Subject:	Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority
Date:	21 May 2025
Reporting Officer:	Kevin Bloomfield, NIHMO Manager
Contact Officers:	Kevin Bloomfield, NIHMO Manager Helen Morrissey, City Protection Manager

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

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

1.0	Purpose of Report or Summary of main Issues
1.1	Under the Scheme of Delegation, the Director of City & Neighbourhood Services Department is responsible for exercising all powers in relation to the issue and variation, but not refusal, of HMO Licences, excluding provisions relating to the issue of HMO Licences where adverse representations have been made. Those applications which were dealt with under the Scheme are listed below.
2.0	Recommendations
2.1	The Committee is requested to note the applications that have been issued under the Scheme of Delegation during April 2025.

3.0

Main report

3.1

	14 St Albans Gardens	Ms Imelda Mary Morgan	STRANMILLIS	SANDYMOUNT HMO 2/17	Renewal Application
	Flat 2, 4 India Street	Palaia Properties Limited	CENTRAL	HOLYLAND HMO 2/22	Renewal Application
	Flat 1, 4 India Street	Palaia Properties Limited	CENTRAL	HOLYLAND HMO 2/22	Renewal Application
	86 University Avenue	Mr Patrick Boyle	CENTRAL	HOLYLAND HMO 2/22	Renewal Application
	51 Wellesley Avenue	Mr Paul Rogers	WINDSOR	EGLANTINE HMO 2/09	Renewal Application
	55 Ulsterville Gardens	Mr Ryan Mullin	WINDSOR	ULSTERVILLE HMO 2/21	Renewal Application
	112 University Avenue	Ms Daphne Barfoot	CENTRAL	HOLYLAND HMO 2/22	Renewal Application
	44 Stranmillis Street	Mr Mark McDonnell	STRANMILLIS	STRANMILLIS HMO 2/19	New Application
	2 Collingwood Avenue	TJHFT LIMITED	CENTRAL	HOLYLAND HMO 2/22	Renewal Application
	32 Fitzwilliam Square	Ms Patricia Mullan	CENTRAL	HOLYLAND HMO 2/22	Renewal Application
	34 Eblana Street	Mr Matthew Boyle	CENTRAL	HOLYLAND HMO 2/22	Renewal Application
	12 Damascus Street	Mr Gerard Keenan	CENTRAL	HOLYLAND HMO 2/22	New Application
	26 Agincourt Street	Mr Owen Treacy	CENTRAL	HOLYLAND HMO 2/22	New Application
	60 Sandymount Street	Mrs Laveena Sabherwal	STRANMILLIS	SANDYMOUNT HMO 2/17	Renewal Application
	29 Colenso Parade	Mrs Laveena Sabherwal	CENTRAL	STRANMILLIS HMO 2/19	Renewal Application
	Flat 2, 16 Belgravia Avenue	Gurufc Holdings Ltd	WINDSOR	ULSTERVILLE HMO 2/21	New Application
	16 Edinburgh Street	J-JET CAPITAL LIMITED	WINDSOR	EDINBURGH ST HMO 2/08	New Application
	33 Orient Gardens	M.C.M. PROPERTY SERVICES LIMITED	WATER WORKS	NONE	New Application
	1 Sandhurst Drive	DERNAWILT JOINERY LTD	STRANMILLIS	STRANMILLIS HMO 2/19	New Application
	53 Tates Avenue	M.C.M. PROPERTY SERVICES LIMITED	WINDSOR	EDINBURGH ST HMO 2/08	New Application
3.2	<u>Financial & Resource Implications</u>				
	None				
3.3	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>				
	There are no issues associated with this report.				

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Belfast
City Council

LICENSING COMMITTEE

Subject:	Application for a New Licence to operate a House of Multiple Occupation for Flat 3, 27 Cromwell Road, Belfast, BT7 1JW
Date:	21 May 2025
Reporting Officer:	Kevin Bloomfield HMO Unit Manager
Contact Officer:	Kevin Bloomfield HMO Unit Manager Nora Largey City Solicitor,

Restricted Reports

Is this report restricted?

Yes

☐

No

☒

Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.

Insert number

1. Information relating to any individual
2. Information likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the council holding that information)
4. Information in connection with any labour relations matter
5. Information in relation to which a claim to legal professional privilege could be maintained
6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction
7. Information on any action in relation to the prevention, investigation or prosecution of crime

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

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

1.0	Purpose of Report or Summary of main Issues			
1.1	To consider an application for a Licence permitting the use of premises as a House in Multiple Occupation (HMO).			
	Premises	Application No.	Applicant(s)	Managing Agents
	Flat 3, 27 Cromwell Road, Belfast, BT7 1JW	12003	Mrs Barbara Blundell	None
	Members are reminded that licences are issued for a 5-year period with standard conditions. Where it is considered necessary to do so, the Committee can also impose special conditions.			
2.0	Recommendations			
2.1	Taking into account the information presented Committee is asked to hear from the Applicant and make a decision to either:			
	<div>(i) Grant the application, with or without any special conditions; or</div> <div>(ii) Refuse the application.</div>			
	<u>Notice of proposed decision</u>			
2.2	On the 21 March 2025, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 (“the 2016 Act”), officers issued a Notice of Proposed Decision. Appendix 2			
3.0	Particulars of the application			
	<u>Background</u>			
3.1	The property had the benefit of an HMO licence issued by the Council with a start date of 11 March 2020 and an expiry date of the 11 March 2025 in the name of Mr. Derek Blundell.			
3.2	Mr. Blundell died on the 12 April 2023			
3.3	In accordance with Section 29 “Death of sole licence holder: effect on licence” of the Houses in Multiple Occupation Act (Northern Ireland) 2016 where a sole licensee dies, the HMO licence is to be treated as being held, from the date of death, by the licensee’s personal representatives, but ceases to have effect 3 months after that date.			
3.4	The Council may on the application from the personal representatives of the licensee, extend the period for which the licence has effect beyond the 3-month period if the council considers that it is reasonable to do so for the purpose of winding up the licensee's estate.			

3.5	The Council was not made aware of Mr. Blundell's death at the time, nor did we receive an application to extend the period for which the licence has effect and as such the licence ceased to have effect on the 12 July 2023.
3.6	An application for a new HMO licence was received from Mrs. Barbara Blundell on the 31 October 2024.
3.7	Following the submission of the HMO licence officers established that ownership of the property transferred to Mrs. Barbara Blundell via a deed of family arrangement in November 2003
3.8	A temporary exemption notice "TEN" was applied for on the 09 March 2025 and subsequently granted on the 22 April 2025
	<u>Key Issues</u>
3.9	<p>Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that:</p> <ul style="list-style-type: none"> a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control; b) the owner, and any managing agent of it, are fit and proper persons; c) the proposed management arrangements are satisfactory; d) the granting of the licence will not result in overprovision of HMOs in the locality; e) the living accommodation is fit for human habitation and— <ul style="list-style-type: none"> (i) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or (ii) can be made so suitable by including conditions in the licence.
	<u>Planning</u>
3.10	As this is a new application the Council's Planning Service was consulted. It confirmed that no planning permission or a Certificate of Lawful Existing Use or Development ("CLEUD") had been granted for the property, however following an assessment of tenancy agreements submitted by the applicant officers are satisfied that the occupation of the living accommodation as an HMO would not constitute a breach of planning control
	<u>Fitness</u>
3.11	When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision of the law relating to housing or of landlord and tenant law. It also permits the Council to take into account any other matter which the council considers to be relevant.
3.12	<p>The NIHMO Unit has consulted with the following units within the Council's City and Neighbourhood Services Department –</p> <ul style="list-style-type: none"> (a) Environmental Protection Unit ("EPU") - who have confirmed that in relation to night-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years, (b) Environmental Protection Unit ("EPU") - who have confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,

	<p>(c) Public Health and Housing Unit (“PHHU”) - who have confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(d) Enforcement Unit (“EU”) - who have confirmed that in relation to litter and waste, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p>
3.13	The EPU, PHHU and EU, solely in respect of their statutory functions, have confirmed that there are no relevant, previous convictions in respect of the Applicant, Managing Agent or occupants.
3.14	Officers are not aware of any other issues relevant to the fitness of the applicant or manager
	<u>Overprovision</u>
3.15	For the purpose of Section 12(2) of the 2016 Act, the Council has determined the locality of the accommodation, Flat 3, 27 Cromwell Road, Belfast, BT7 1JW as being Housing Management Areas (HMA) “HMA 2/22 Botanic, Holylands, Rugby” as defined in the document Belfast City Council’s Local Development Plan Strategy “2023 Strategy” which was formally adopted on the 2 May 2023.
3.16	<p>Legal Services has advised that there is a clear requirement in section 8 of the 2016 Act upon the Council to be satisfied that the granting of a licence will not result in overprovision. In making this decision the Council has had regard to:</p> <p>(a) the number and capacity of licensed HMOs in the locality</p> <p>(b) the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need.</p>
3.17	To inform the Council in its consideration of the above provisions, the Council has taken account of the 2023 Strategy given that <i>“Nurturing sustainable and balanced communities is a fundamental aim of the LDP’s housing policies.”</i>
3.18	<p>In particular, the Council has considered Policy HOU10:-</p> <p>HOU10 states – <i>“Within designated HMAs, planning permission will only be granted for Houses in Multiple Occupation (HMOs) and/or flats/apartments where the total number of HMOs and flats/apartments combined would not as a result exceed 20% of all dwelling units within an HMA.”</i></p> <p>(a) The number and capacity of licensed HMOs in the locality</p>
3.19	<p>On the date of assessment, 05 March 2025, 88% of all dwelling units in policy area “HMA 2/22 Botanic, Holylands, Rugby” were made up of HMOs and flats/apartments, which in turn exceeds the 20% development limit as set out at Policy HOU10. There are 1142 (46%) licensed HMOs with a capacity of 4795 persons in HMA 2/22 Botanic, Holylands, Rugby.</p> <p>(b) The need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need.</p>
3.20	The total number of dwelling units in a HMA is measured by Ordnance Survey’s Pointer database. There are a total of 2476 dwelling units in HMA 2/22 Botanic, Holylands, Rugby.

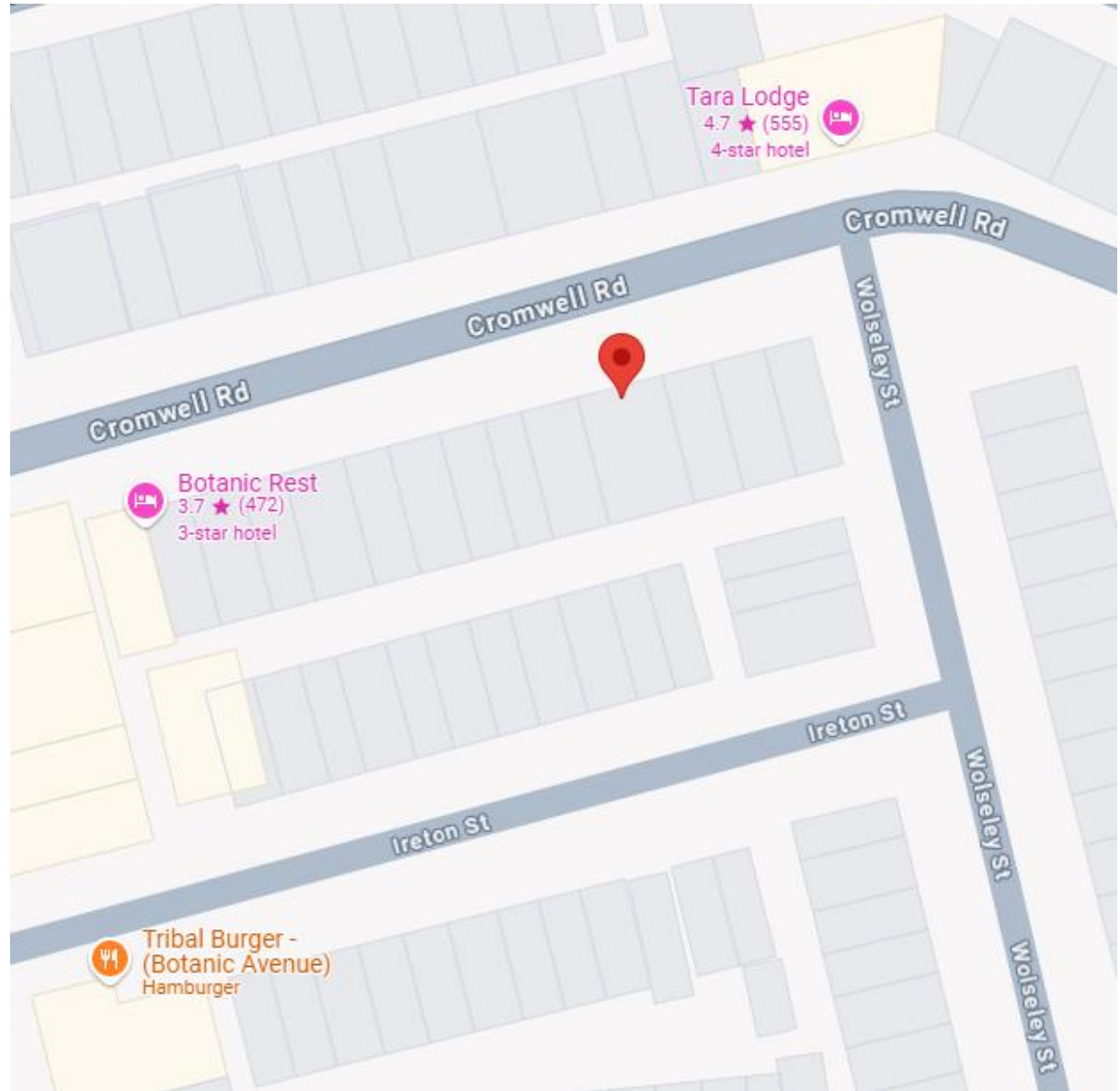
3.21	On the 05 March 2025 out of 281 premises available for rent within the BT7 area on the website PropertyNews.com there were 162 licensed HMOs which from the information presented on the website represented 688 bed spaces. The HMO accommodation was available immediately to early October 2025.
3.22	The fact that the use of the property as an HMO would not constitute a breach of planning control is a relevant consideration in determining whether the grant of this licence will result in overprovision.
3.23	The Council recognises that there is a need for intensive forms of housing and to meet this demand, HMOs are an important component of this housing provision. HMOs, alongside other accommodation options within the private rented sector, play an important role in meeting the housing needs of people who are single, who have temporary employment, students, low-income households and, more recently, migrant workers.
3.24	In September 2017 the Housing Executive published the document “Housing Market Analysis Update – Belfast City Council Area” which states “HMOs form an important element of the PRS, particularly for younger people on low incomes and for single people, under the age of 35, affected by the limitation of housing benefit to the shared room rate. Anecdotal evidence also indicates that this has been a popular sector with migrant workers.”
	Students moving out of HMO accommodation.
3.25	On the 7 December 2022 Ulster University Director of Campus Life told members of the Council’s City Growth and Regeneration Committee that there was an “increase in competition for HMO’s particularly from NIHE, Immigration Services and statutory agencies and there were increasing accommodation issues across the housing sector which required a holistic view and should include the consideration of international students, families and graduates looking for professional accommodation.”
3.26	However, QUB Director of Student Plus confirmed to members that the current trend indicated a significant move of students to purpose-built student accommodation blocks. She told members that there were 7,000 purpose built managed student accommodation (PBMSA) rooms in the city – the majority built since 2018 and approximately 5,000 in the city centre.
3.27	November 2023 monitoring information produced by the Council’s Planning Services for PBMSA indicates that 2055 bedspaces are currently under construction with an operational date of 2024, 92 bedspaces approved but construction hasn’t commenced and 1426 bedspaces going through the planning process.
3.28	With the continued expansion of the PBMSA sector and students transitioning from private rentals to PBMSAs, it is too early to tell whether the increased competition from non-students for HMOs is a temporary problem (which can be managed by the contraction in students residing in existing HMO accommodation within the locality) or evidence of an emerging long-term supply issue.
	Section 8(2)(d) of the 2016 Act
3.29	In assessing the number and capacity of licensed HMOs as well as the need for HMO accommodation in the locality, officers cannot be satisfied that the granting of the HMO licence will not result in overprovision of HMO accommodation in the locality of the accommodation for the purpose of section 8(2)(d) of the 2016 Act.

3.30	<p>The Committee may consider that in the circumstances, namely that the premises had previously operated as a licensed HMO and remains occupied as an HMO until the 22 July 2025 in accordance with the provisions of the temporary exemption notice which is in place, that the grant of this licence would not result in overprovision notwithstanding the proposed refusal by officers.</p> <p><u>Section 29: Death of sole licence holder: effect on licence</u></p>
3.31	<p>Section 29 of the 2016 Act transfers the licence of a deceased sole licence-holder to that person's executor. The licence expires three months after the date of death, unless the council is satisfied that it is reasonable to extend it in order to wind up the holder's estate.</p>
3.32	<p>The restricting factor in section 29 is the requirement for the Council to be notified of the death of the sole licence-holder. Counsel's advice was sought and obtained on this issue, and Legal Services has confirmed that there may be some scope to grant an extension to the three-month period that is triggered by the death of an owner under section 29. Although section 29(3) provides that any application for an extension "<u>must be made</u> within the [three-month] period", there is authority to suggest that mandatory time-limits can be read flexibly where the balance between public and private interests merits such an approach.</p>
3.33	<p>In this case, it is a matter for the Council to decide where the balance is to be struck between those interests in the circumstances of this particular application.</p> <p><u>Objections</u></p>
3.34	<p>No objections were received in relation to this application.</p> <p><u>Attendance</u></p>
3.35	<p>The owners of the HMO and/or their representatives will be available to discuss any matters relating to the licence application should they arise during your meeting.</p> <p><u>Suitability of the premises</u></p>
3.36	<p>The accommodation was inspected on the 14 January 2025 at which time it complied with the physical standards for an HMO for 3 persons.</p> <p><u>Notice of proposed decision</u></p>
3.37	<p>On the 21 March 2025, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016, Officers issued a Notice of Proposed Decision to the Applicant setting out the terms of the proposed licence. Appendix 2</p>
3.38	<p>The Notice of Proposed Decision stated that the Council proposed to refuse the licence on the grounds of overprovision. A statement of reasons for the proposal was included in the Notice of Proposed Decision.</p> <p><u>Representation from McCann & McCann Solicitors on behalf of the applicant</u></p>
3.39	<p>On the 08 May 2025 McCann & McCann Solicitors submitted a written response to the notice of proposed decision (Appendix 3).</p>

3.40	This cited the protracted illness of Mr Derek Blundell and his subsequent death in 2023. To compound these difficulties, Mr Derek Blundell's Will could not be found and his wife, the Applicant, had to go through intestacy rules with her Solicitor to obtain a Grant of Probate.
3.41	The representations also referred to the property always operated as an HMO and currently meets all the standards required under the HMO legislation and state that the "only issue in this case was that the Applicant did not make the application to transfer the HMO Licence from her husband's name into her own name, within three months of his death."
3.42	The representation also points to a decision of the licensing committee in June 2022 whereby the committee took the decision to grant an HMO licence in similar circumstances.
	<u>Officer comments on section 29: Death of sole licence holder: effect on licence</u>
3.43	Section 29 of the 2016 Act transfers the licence of a deceased sole licence-holder to that person's executor. The licence expires three months after the date of death, unless the council is satisfied that it is reasonable to extend it in order to wind up the holder's estate.
3.44	The restricting factor in section 29 is the requirement for the Council to be notified of the death of the sole licence-holder. Legal Services has confirmed that there may be some scope to grant an extension to the three-month period that is triggered by the death of an owner under section 29. Although section 29(3) provides that any application for an extension "must be made within the [three-month] period", there is authority to suggest that mandatory time-limits can be read flexibly where the balance between public and private interests merits such an approach.
3.45	In this case, it is a matter for members to decide where the balance is to be struck. Should members consider it reasonable in the circumstances, they might be minded to exercise their discretion and extend the 3 month period under section 29. In that case, the licence would remain extant and granting this application would not amount to overprovision.
3.46	It is also worth noting that the Department for Communities confirmed in their June 2023 Review that it proposes extending the 3-month time limit to one year.
4.0	Financial and Resource Implications
4.1	None. The cost of assessing the application and officer inspections is provided for within existing budgets.
	<u>Equality and Good Relations Implications</u>
4.2	There are no equality or good relations issues associated with this report.
5.0	Equality or Good Relations Implications / Rural Needs Assessment
5.1	There are no equality or good relations issues associated with this report.
6.0	Appendices – Documents Attached
	Appendix 1 – Location Map Appendix 2 – Notice of Proposed Decision. Appendix 3 – Representations from McCann & McCann Solicitors

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Appendix 1 – External Photograph and Location Map – Flat 3, 27 Cromwell Road, Belfast BT7 1RH



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Subject:	Competing Stationary Street Trading Licence applications for Boucher Crescent at lamp post number 16
Date:	21 May 2025
Reporting Officer:	Kate Bentley, Director of Planning and Building Control, Ext. 2300
Contact Officer:	James Cunningham, Senior Licensing Officer, Ext. 3375

Restricted Reports

Is this report restricted?

Yes

☐

No

☒

Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.

Insert number

☐

1. Information relating to any individual
2. Information likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the council holding that information)
4. Information in connection with any labour relations matter
5. Information in relation to which a claim to legal professional privilege could be maintained
6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction
7. Information on any action in relation to the prevention, investigation or prosecution of crime

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

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

1.0	Purpose of Report or Summary of main Issues
1.1	To consider two separate and competing Street Trading Licence applications to trade at the designated site in Boucher Crescent at lamp post number 16.
1.2	The site is designated to allow for the sale of hot food and non-alcoholic beverages. Both applications comply with the designating resolution for the site.
1.3	Members are reminded that the normal process for dealing with competing Street Trading Licence applications is that they are brought to the Committee's attention for consideration.
2.0	Recommendations
2.1	<p>Based on the submissions presented and considering any amendments to the applications, the Committee is requested to consider each application in turn, taking into account Section 5 of the Street Trading Licensing Policy outlined in paragraph 3.5, and decide whether it is:</p> <ol style="list-style-type: none"> 1. Minded to grant and approve the Licence to Mr Ajithjosedaniel Arputharaj; or 2. Minded to grant and approve the Licence to Mr Aaron Smallwood; or 3. Minded to grant and approve the Licence to one of the applicants with additional Conditions, and then; 4. Minded to refuse the Licence application under the discretionary grounds as outlined at paragraph 3.3 below, of the applicant who has not been granted a Licence.
2.2	When minded to refuse a Licence application, the applicant must be informed that they will be permitted to make representation regarding the refusal to the Council, with such representations to be made not less than 21 days from the date of notice.
2.3	As a consequence, the actual decision to grant and refuse the Licence will be considered at a meeting on a later date. There is a right of appeal to the Magistrate's Court against any refusal on these grounds.
3.0	Key Issues
3.1	The Street Trading Act (Northern Ireland) 2001 (the Act) places a statutory obligation on a district council to grant an application for a Street Trading Licence unless there are sufficient grounds to refuse it.
3.2	Section 8 of the Act sets out circumstances in which an application must be refused, however there are no such grounds of refusal applicable to these licence applications.
3.3	<p>Section 9 of the Act sets out discretionary grounds under which a district council may refuse to grant an application.</p> <p>a. That –</p> <ol style="list-style-type: none"> i. The location at which the applicant wishes to trade as a stationary trader is unsuitable;

	<ul style="list-style-type: none"> ii. The space in the designated street in which the applicant wishes to trade as a stationary trader is inadequate for the applicant to do so without causing undue interference or inconvenience to persons or vehicles using the street; iii. The area or areas of the district in which the applicant wishes to trade as a mobile trader are unsuitable for the applicant to do so without causing undue interference or inconvenience to persons or vehicles in the area or areas; iv. There are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade; v. The nature of the articles, things or services in which the applicant wishes to trade is such that their sale or supply, or their preparation for sale or supply, would adversely affect the general amenity of the area in which the applicant wishes to trade; <ul style="list-style-type: none"> b. That the applicant has, in connection with the application, made a statement which he knows to be false in a material particular; c. That the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence; d. That the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence; e. That the applicant has at any time been granted a street trading licence by the council, which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to the council in respect of the licence; f. That the applicant has failed to provide the particulars required by the council to deal with the application; g. That the applicant has failed to provide or identify suitable or adequate arrangements for storing any articles, things or receptacles in or with which he proposes to trade.
3.4	There is a right of appeal to the Magistrate's Court against any refusal on these grounds.
3.5	Members are reminded that the Council, in March 2011, agreed an amended Street Trading Licensing Policy to allow for circumstances where there are two or more applications for the same designated pitch within the City. Attached as appendix 3.
3.6	<p>Section 5 of the Policy provides guidance on how to deal with competing licence applications and states that without prejudice to the discretionary grounds for refusing an application the Council may also take the following into account:</p> <ul style="list-style-type: none"> 1. The suitability of the application in the context of the area or street; 2. The suitability of allowing more than one application in the area or street; 3. The commodities or services which each applicant intends to sell or supply; 4. The merits of each application in the context of the character and appearance of the proposed area; 5. Whether a mobile trader/a number of mobile traders will affect the character and

	<p>appearance of the proposed area;</p> <p>6. Any potential adverse impact caused to the character and appearance of the proposed location by the application, by a mobile trader or by a number of mobile traders;</p> <p>7. The extent to which the sale of the commodity will provide a useful service not otherwise provided in the area.</p> <p><u>Details of the competing applications</u></p>
3.7	<p>Applicant 1: Mr Ajithjosedaniel Arputharaj has applied for the grant of a stationary street trading licence to sell hot food and non-alcoholic beverages from a black coloured catering trailer measuring 5.5m by 2.1m. His proposed hours of operation are as follows:</p> <ul style="list-style-type: none"> Monday to Sunday from 7.00am to 9.00pm
3.8	Mr Aprutharaj has not previously held a street trading licence with Belfast City Council.
3.9	Mr Arputharaj is registered with Belfast City Council's Environmental Health Food Safety and is not currently rated as he is awaiting initial inspection.
3.10	<p>Applicant 2: Mr Aaron Smallwood has applied for the grant of a stationary street trading licence to sell hot food and non-alcoholic beverages from an Airstream-style catering trailer measuring 3m by 2m. His proposed hours of operation are as follows:</p> <ul style="list-style-type: none"> Monday to Saturday from 9.00am to 3.30pm
3.11	Mr Smallwood has not previously held a street trading licence with Belfast City Council.
3.12	Mr Smallwood is registered with North Down and Ards Borough Council's Environmental Health Food Safety and holds a food hygiene rating of 5.
	<u>Consultation</u>
3.13	The PSNI and DfI Roads Service were consulted regarding this proposal as the site. Their responses are attached as Appendix 1.
3.14	Police Service of Northern Ireland. The police have no objection.
3.15	DFI Roads. The Department have no objection. However, any vehicle/stall must not be positioned in such a way as to compromise road safety or traffic progression; trading is restricted to being conducted on the footway side of the vehicle/stall.
3.16	The applicants have been invited to appear before Committee and make a brief presentation on matters such as how the business will be operated, the design of the unit, how the commodities they propose to sell will add to the area and address any concerns with their proposals.
3.17	After considering representations from the applicants, you will then be required to make a decision that you are minded to grant one of the applications and to refuse the other. Committee must give grounds as to why they are minded to refuse an application.
3.18	Committee is reminded that the applicants for the Licence whose application you are minded to refuse will be permitted to make written representation to the Council. Therefore, the actual decision to grant and refuse the Licences will be considered at a meeting on a later date.

3.19	<p><u>Financial & Resource Implications</u></p> <p>If the Committee grants a Licence, the Stationary Street Trading Licence fee is as follows:</p> <ul style="list-style-type: none"> • Application Fee of £150, and • A Licence fee, for Monday to Sunday, of £1250 per annum, or • A Licence fee, for Monday to Saturday, of £1000 per annum. <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p>
3.20	<p>There are no issues associated with this report.</p>
4.0	<p>Appendices – Documents Attached</p>
	<ul style="list-style-type: none"> • Appendix 1 - PSNI and DfI Roads Service consultation response • Appendix 2 – Overview of applications • Appendix 3 - Street Trading Licensing Policy

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Building Control Service
Ground Floor
Cecil Ward Building
4-10 Linenhall Street
Belfast
BT2 8BP

11th April 2025

Dear Neil

Mr Ajithjosedaniel Arputharaj Boucher Crescent at lampost no 16
Mr Aaron Smallwood Boucher Crescent at lampost no 16

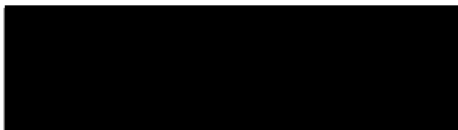
Mon-Sun 0700
Mon-Sat 0900

Please note that police are offering no objections to the above Street Trading licence applications being further considered and managed by Belfast City Council if all the required paperwork including the Access NI disclosure certificate is in order.

Police are unable to provide any comment on the applicant with only their names being provided.

If the licence is approved police would expect the applicant complies with the Street Trading Act (Northern Ireland) 2001 and the Road Traffic (Northern Ireland) Order 1981.

Forwarded for your attention.



Kind Regards



Licensing Officer, Musgrave Station, Belfast



Neil Melville
Regulatory Services Officer
Building Control Service
Belfast City Council
Ground Floor,
Cecil Ward Building
4 - 10 Linenhall Street
Belfast
BT2 8BP

melvilleN@belfastcity.gov.uk

Hydebank House
4 Hospital Road
Belfast
BT8 8JJ

Telephone: 0300 200 7893

Textphone: 028 9054 0022

Email: Traffic.Eastern@infrastructure-ni.gov.uk

Website: www.infrastructure-ni.gov.uk

Being Dealt With By: [REDACTED]

Direct Line: [REDACTED]

Your Ref: WK/202205423

Our Ref: MT 182959-25

Date: 19 March 2025

Dear Mr Melville

APPLICATION FOR STATIONARY STREET TRADING LICENCE

OUR REF:	WK/202205423
DATE RECEIVED:	12 March 2025
APPLICANT:	Mr Ajithjosedaniel Arputharaj
LOCATION:	Boucher Crescent at lamp post No.16
TRADING DATE:	Sun: 07:00 - 21:00 Mon: 07:00 - 21:00 Tue: 07:00 - 21:00 Wed: 07:00 - 21:00 Thu: 07:00 - 21:00 Fri: 07:00 - 21:00 Sat: 07:00 - 21:00
OUR COMMENTS:	We have no objection to this application. However, any vehicle/stall must not be positioned in such a way as to compromise road safety or traffic progression; that trading is restricted to being conducted on the footway side of the vehicle/stall only; and that the consent holder must observe and comply with all relevant Traffic Regulation Orders.

Please contact me if you wish to discuss further.

Yours sincerely,

[REDACTED]

Traffic Management 1

**Network Traffic, Street Lighting and
Transportation
Eastern Division**



Department for

Infrastructure

An Roinn

Bonneagair

www.infrastructure-ni.gov.uk

Neil Melville
Regulatory Services Officer
Building Control Service
Belfast City Council
Ground Floor,
Cecil Ward Building
4 - 10 Linenhall Street
Belfast
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melvilleN@belfastcity.gov.uk

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Belfast
BT8 8JJ

Telephone: 0300 200 7893

Textphone: 028 9054 0022

Email: Traffic.Eastern@infrastructure-ni.gov.uk

Website: www.infrastructure-ni.gov.uk

Being Dealt With By: [REDACTED]

Direct Line: [REDACTED]

Your Ref: WK/202205472

Our Ref: MT 183302-25

Date: 25 March 2025

Dear Mr Melville

APPLICATION FOR STATIONARY STREET TRADING LICENCE

OUR REF:	WK/202205472
DATE RECEIVED:	24 March 2025
APPLICANT:	Mr Aaron Smallwood
LOCATION:	Boucher Crescent at lamp post No.16
TRADING DATE:	Mon: 09:00 – 15:30 Tue: 09:00 – 15:30 Wed: 09:00 – 15:30 Thu: 09:00 – 15:30 Fri: 09:00 – 15:30 Sat: 09:00 – 15:30
OUR COMMENTS:	We have no objection to this application. However, any vehicle/stall must not be positioned in such a way as to compromise road safety or traffic progression; that trading is restricted to being conducted on the footway side of the vehicle/stall only; and that the consent holder must observe and comply with all relevant Traffic Regulation Orders.

Please contact me if you wish to discuss further.

Yours sincerely,

[REDACTED]

Traffic Management 1

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Appendix 2

Overview comments based on Section 5 of the Street Trading Policy regarding competing licence applications

Policy	Council comments	Mr Arputharaj (applied 6/3/25)	Mr Smallwood (applied 12/3/25)
<i>The suitability of the application in the context of the area or street;</i>	Hot food has been sold here for several years using a catering trailer.	Proposing to use a catering trailer.	Proposing to use a Airstream-style catering trailer.
<i>The suitability of allowing more than one application in the area or street;</i>	Only one site is designated.		
<i>The commodities or services which each applicant intends to sell or supply;</i>	Hot food and non-alcoholic beverages sold here for many years	Hot food and non-alcoholic beverages	Hot food and non-alcoholic beverages
<i>The merits of each application in the context of the character and appearance of the proposed area;</i>	Site has had Hot food sold there for a number of years using a catering trailer.	Applicant provided a photo of his trailer. Proposes to trade Monday to Sunday from 7.00am to 9.00pm	Applicant provided a photo of his trailer. Proposes to trade Monday to Saturday from 9.00am to 3.30pm
<i>Whether a mobile trader/a number of mobile traders will affect the character and appearance of the proposed area;</i>	<i>This is related to mobile licence, this is for Stationary Licence</i>	<i>Not applicable</i>	<i>Not applicable</i>
<i>Any potential adverse impact caused to the character and appearance of the proposed location by the application, by a mobile trader or by a number of mobile traders</i>	<i>This is related to mobile licence, this is for Stationary Licence</i>	<i>Not applicable</i>	<i>Not applicable</i>
<i>The extent to which the sale of the commodity will provide a useful service not otherwise provided in the area.</i>	There are already several retail food, restaurant, take away premises selling hot food in the area.		

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Appendix 3

Licensing Unit.	Procedure	ST Licence
Building Control Service	Page No.	1 of 5
Place and Economy Department	Edition/Issue No.	1/1
Street Trading Licensing Policy (March '11)	Issue Date	March 2011
	Reference:	Updated (Competing)
	Service:	Building Control

C O N T E N T S

	Page	Paragraph
Purpose	2	1
Scope	2	2
References	2	3
General Principles	2	4
Competing Applications	4	5

1 Purpose

By virtue of Section 5 of the Street Trading Act (Northern Ireland) 2001 the Council may grant to a person a Stationary or Mobile Licence authorising him to engage in Street Trading in a street or part thereof in its District.

The purpose of this Policy is to provide guidance on matters, which should be considered when deciding whether to grant to a person a Street Trading Licence. Its aim is to provide, insofar as is possible, consistent decision making so as to develop and thereafter maintain public confidence in Belfast City Council's performance of its duties.

2 Scope

This Policy is intended to ensure that Belfast City Council Members and Officers are aware of those matters to be taken into consideration when determining whether to grant a Stationary or Mobile Licence.

3 References

3.1 Street Trading Act (Northern Ireland) 2001.

3.2 Guide to the Street Trading Act (Northern Ireland) 2001.

4 General Principles

4.1 Each case must be considered on its own merits, but there are general principles that apply in all cases. The duty of Belfast City Council is to make sure that each Street Trading Licence application is fairly and objectively assessed and that all relevant factors are considered.

4.2 Belfast City Council may consult with -

- (a) The Police District Command Unit in which the streets are situated;
- (b) The Department for Infrastructure as regards that Department's functions with respect to roads and regulation of road traffic;

4.3 The Council may also consult other persons, as it considers appropriate. Such Consultees may include the following:

- (a) Belfast Chamber of Trade and Commerce.
- (b) Business Improvement District
- (c) Nearby Street Trading Licence holders who may be affected.
- (d) Business, commercial and residential premises in the vicinity of the trading area in respect of which the application has been received.
- (e) N.I. Ambulance Service and /or other Emergency Services
- (f) National Market Traders Federation

4.4 Without prejudice to it's right to take account of any relevant consideration in determining the suitability of each Street Trading Licence, Belfast City Council may take into account:

- (a) The safety of the public and any risks which may arise.
- (b) The appropriateness and suitability of the area, street or part thereof and commodities in relation to the location.
- (c) The potential adverse impact that Street Trading may have upon the character and appearance of the area in question
- (d) The extent to which the sale of the commodity will provide a useful service to the event or occasion not otherwise provided in the area;
- (e) The potential environmental effects such as additional litter, cleansing requirements, odour and noise.
- (f) The potential for the proposed said Street Trading Licence to have an adverse effect in terms of anti-social behaviour and public disorder.
- (g) Any other Statutory provision, Code or Standard as appears to the Council to be material.
- (h) Previous complaints arising from any Street Trading activities in that area, street or part thereof.
- (i) The views, reports or opinions of such consultees as appear to the Council to be material.
- (j) The suitability of the applicant.

4.5 Belfast City Council will refuse an application under Section 5 of the Act (Mandatory grounds for refusing an application) if the applicant-

- (a) Is not an individual; or
- (b) Has not reached the upper limit of compulsory school age, within the meaning of Article 46 of the Education and Libraries (Northern Ireland) Order 1986 (NI 3).
- (c) If the applicant wishes to trade at a place where trading would contravene any statutory provision or rule of law.
- (d) In a street which is not a designated street;
- (e) In any article, thing or service the sale or supply of which would be contrary to the terms of any designating resolution having effect in relation to the designated street in which the applicant wishes to trade.

4.6 Belfast City Council may refuse an application under Section 5 of the Act (Discretionary grounds for refusing an application) if -

- (a) The location at which the applicant wishes to trade as a stationary trader is unsuitable;
- (b) The space in the designated street in which the applicant wishes to trade as a stationary trader is inadequate for the applicant to do so without causing undue interference or inconvenience to persons or vehicles using the street;
- (c) The area or areas of the district in which the applicant wishes to trade as a mobile trader are unsuitable for the applicant to do so without causing undue interference or inconvenience to persons or vehicles in the area or areas;
- (d) There are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade;
- (e) The nature of the articles, things or services in which the applicant wishes to trade is such that their sale or supply, or their preparation for sale or supply, would adversely affect the general amenity of the area in which the applicant wishes to trade;

- (f) That the applicant has, in connection with the application, made a statement which he knows to be false in a material particular;
 - (g) That the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence;
 - (h) That the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;
 - (i) That the applicant has at any time been granted a street trading licence by the council, which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to the council in respect of the licence;
 - (j) That the applicant has failed to provide the particulars required by the council to deal with the application;
 - (k) That the applicant has failed to provide or identify suitable or adequate arrangements for storing any articles, things or receptacles in or with which he proposes to trade.
- 4.7 If the Council considers that grounds for refusal exist under subsection (1) (d) of the Act, it may grant the applicant a licence subject to conditions which permit him-
- (a) To trade on fewer days or during a shorter period in each day than is specified in the application; or
 - (b) To trade in a different designated street or in a different area from that specified in the application.

5. Competing Applications

- 5.1 In the event that there are two or more applications for a licence in a designated site or there are multiple mobile licence applications for a similar geographical area within the City, each applicant will be invited to address the Licensing Committee by making a short presentation which may be followed by questions from Members (the presentation should include matters such as how the business will be operated, the design of the stall, how the commodities which are proposed to be sold will add to the area, etc. Where appropriate the applicant may also address any concerns or objections to their proposal).
- 5.2 In determining an application under this section, the Council may take into account any consideration which it deems appropriate and will take into account the discretionary grounds for refusal already detailed in paragraph 4.6.
- 5.3 Without prejudice to the above, the Council may also take the following into account:
- (a) The suitability of the application in the context of the area or street;
 - (b) The suitability of allowing more than one application in the area or street;
 - (c) The commodities or services which each applicant intends to sell or supply;
 - (d) The merits of each application in the context of the character and appearance of the proposed area;
 - (e) Whether a mobile trader/a number of mobile traders will affect the character and appearance of the proposed area;
 - (f) Any potential adverse impact caused to the character and appearance of the proposed location by the application, by a mobile trader or by a number of mobile traders;
 - (g) The extent to which the sale of the commodity will provide a useful service not otherwise provided in the area.

- 5.4 This policy may be considered, amended or replaced at any time without any further requirement to consult other parties.

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Subject:	Competing Stationary Street Trading Licence applications for Duncrue Link 50ft from the junction with Duncrue Road
Date:	21 May 2025
Reporting Officer:	Kate Bentley, Director of Planning & Building Control, ext. 2300
Contact Officer:	James Cunningham, Senior Licensing Officer, Ext. 3375

Restricted Reports

Is this report restricted?

Yes

☐

No

☒

Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.

Insert number

☐

1. Information relating to any individual
2. Information likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the council holding that information)
4. Information in connection with any labour relations matter
5. Information in relation to which a claim to legal professional privilege could be maintained
6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction
7. Information on any action in relation to the prevention, investigation or prosecution of crime

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

☐
☐
☐
☐

Call-in

Is the decision eligible for Call-in?

Yes

☒

No

☐

1.0	Purpose of Report or Summary of main Issues
1.1	To consider two separate and competing Street Trading Licence applications to trade at the designated site in Duncrue Link 50ft from the junction with Duncrue Road.
1.2	The site is designated to allow for the sale of hot food and non-alcoholic beverages. Both applications comply with the designating resolution for the site.
1.3	Members are reminded that the normal process for dealing with competing Street Trading Licence applications is that they are brought to the Committee's attention for consideration
2.0	Recommendations
2.1	Based on the submissions presented and considering any amendments to the applications, the Committee is requested to consider each application in turn, taking into account Section 5 of the Street Trading Licensing Policy outlined in paragraph 3.5, and decide whether it is: <ul style="list-style-type: none"> 1. Minded to grant and approve the Licence to Miss Vanessa Kemp; or 2. Minded to grant and approve the Licence to Mr Daniel Smith; or 3. Minded to grant and approve the Licence to one of the applicants with additional Conditions, and then; 4. Minded to refuse the Licence application under the discretionary grounds as outlined at paragraph 3.3 below, of the applicant who has not been granted a Licence.
2.2	When minded to refuse a Licence application, the applicant must be informed that they will be permitted to make representation regarding the refusal to the Council, with such representations to be made not less than 21 days from the date of notice.
2.3	As a consequence, the actual decision to grant and refuse the Licence will be considered at a meeting on a later date. There is a right of appeal to the Magistrate's Court against any refusal on these grounds.
3.0	Key Issues
3.1	The Street Trading Act (Northern Ireland) 2001 (the Act) places a statutory obligation on a district council to grant an application for a Street Trading Licence unless there are sufficient grounds to refuse it.
3.2	Section 8 of the Act sets out circumstances in which an application must be refused, however there are no such grounds of refusal applicable to these licence applications.
3.3	Section 9 of the Act sets out discretionary grounds under which a district council may refuse to grant an application. <ul style="list-style-type: none"> a. That – <ul style="list-style-type: none"> i. The location at which the applicant wishes to trade as a stationary trader is unsuitable; ii. The space in the designated street in which the applicant wishes to trade as a stationary trader is inadequate for the applicant to do so without causing undue interference or inconvenience to persons or vehicles using the street;

	<ul style="list-style-type: none"> iii. The area or areas of the district in which the applicant wishes to trade as a mobile trader are unsuitable for the applicant to do so without causing undue interference or inconvenience to persons or vehicles in the area or areas; iv. There are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade; v. The nature of the articles, things or services in which the applicant wishes to trade is such that their sale or supply, or their preparation for sale or supply, would adversely affect the general amenity of the area in which the applicant wishes to trade; <ul style="list-style-type: none"> b. That the applicant has, in connection with the application, made a statement which he knows to be false in a material particular; c. That the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence; d. That the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence; e. That the applicant has at any time been granted a street trading licence by the council, which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to the council in respect of the licence; f. That the applicant has failed to provide the particulars required by the council to deal with the application; g. That the applicant has failed to provide or identify suitable or adequate arrangements for storing any articles, things or receptacles in or with which he proposes to trade.
3.4	There is a right of appeal to the Magistrate's Court against any refusal on these grounds.
3.5	Members are reminded that the Council, in March 2011, agreed an amended Street Trading Licensing Policy to allow for circumstances where there are two or more applications for the same designated pitch within the City. Attached as appendix 3.
3.6	<p>Section 5 of the Policy provides guidance on how to deal with competing licence applications and states that without prejudice to the discretionary grounds for refusing an application the Council may also take the following into account:</p> <ul style="list-style-type: none"> 1. The suitability of the application in the context of the area or street; 2. The suitability of allowing more than one application in the area or street; 3. The commodities or services which each applicant intends to sell or supply; 4. The merits of each application in the context of the character and appearance of the proposed area; 5. Whether a mobile trader/a number of mobile traders will affect the character and appearance of the proposed area; 6. Any potential adverse impact caused to the character and appearance of the proposed

	location by the application, by a mobile trader or by a number of mobile traders;
	7. The extent to which the sale of the commodity will provide a useful service not otherwise provided in the area.
	<u>Details of the competing applications</u>
3.7	Applicant 1: Miss Vanessa Kemp has applied for the grant of a stationary street trading licence to sell hot food and non-alcoholic beverages from a catering van measuring 5.5m by 2.15m. Her proposed hours of operation are as follows: <ul style="list-style-type: none"> Monday to Friday from 7.00am to 5.00pm
3.8	Miss Kemp has not previously held a street trading licence with Belfast City Council.
3.9	Miss Kemp is registered with Belfast City Council's Environmental Health Food Safety and has a food hygiene rating of 5.
3.10	Applicant 2: Mr Daniel Smith has applied for the grant of a stationary street trading licence to sell hot food and non-alcoholic beverages from a catering van measuring 7.92m by 2.44m. His proposed hours of operation are as follows: <ul style="list-style-type: none"> Monday to Friday from 8.00am to 2.30pm
3.11	Mr Smith has not previously held a street trading licence with Belfast City Council.
3.12	Mr Smith is registered with Belfast City Council's Environmental Health Food Safety and is not currently rated as he is awaiting initial inspection.
	<u>Consultation</u>
3.13	The PSNI and DfI Roads Service were consulted regarding this proposal as the site. Their responses are attached as Appendix 1.
3.14	Police Service of Northern Ireland. The police have no objection.
3.15	DFI Roads. The Department have no objection. However, any vehicle/stall must not be positioned in such a way as to compromise road safety or traffic progression; trading is restricted to being conducted on the footway side of the vehicle/stall
3.16	The applicants have been invited to appear before Committee and make a brief presentation on matters such as how the business will be operated, the design of the trading unit, how the commodities they propose to sell will add to the area and address any concerns with their proposals.
3.17	After considering representations from the applicants, you will then be required to make a decision that you are minded to grant one of the applications and to refuse the other. Committee must give grounds as to why they are minded to refuse an application.
3.18	Committee is reminded that the applicants for the Licence whose application you are minded to refuse will be permitted to make written representation to the Council. As a consequence, the actual decision to grant and refuse the Licences will be considered at a meeting on a later date.
	<u>Financial & Resource Implications</u>

3.19	<p>If the Committee grants a Licence, the Stationary Street Trading Licence fee is as follows:</p> <ul style="list-style-type: none"> • Application Fee of £150, and • A Licence fee, for Monday to Friday, of £800 per annum. <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p>
3.20	There are no issues associated with this report.
4.0	Appendices – Documents Attached
	<ul style="list-style-type: none"> • Appendix 1 - PSNI and DfI Roads Service consultation responses • Appendix 2 – Overview of applications • Appendix 3 - Street Trading Licensing Policy

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Building Control Service
Ground Floor
Cecil Ward Building
4-10 Linenhall Street
Belfast
BT2 8BP

11th March 2025

Dear Neil

Name of applicant: Miss Vanessa Kemp

Site/Route: Duncrue Link 50ft from junction with Duncrue Road

Proposal: Hot food and beverages

Operating Hours: Mon-Fri 0700hrs to 1700hrs

Please note that police are offering no objections to the above Street Trading licence application being further considered and managed by Belfast City Council if all the required paperwork including the Access NI disclosure certificate is in order.

Police are unable to provide any comment on the applicant with only his name being provided.

If the licence is approved police would expect the applicant complies with the Street Trading Act (Northern Ireland) 2001 and the Road Traffic (Northern Ireland) Order 1981.

Forwarded for your attention.

Kind Regards

[Redacted Signature]
Licensing Officer, Musgrave Station, Belfast

**Network Traffic, Street Lighting and
Transportation
Eastern Division**



Department for

Infrastructure

An Roinn

Bonneagair

www.infrastructure-ni.gov.uk

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melvilleN@belfastcity.gov.uk

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Belfast
BT8 8JJ

Telephone: 0300 200 7893

Textphone: 028 9054 0022

Email: Traffic.Eastern@infrastructure-ni.gov.uk

Website: www.infrastructure-ni.gov.uk

Being Dealt With By: [REDACTED]

Direct Line: [REDACTED]

Your Ref: WK/202205224

Our Ref: MT 180723-25

Date: 29 January 2025

Dear Mr Melville

APPLICATION FOR STATIONARY STREET TRADING LICENCE

OUR REF:	MT 180723-25
DATE RECEIVED:	23 January 2025
APPLICANT:	Ms Vanessa Kemp
LOCATION:	Duncrue Link 50ft from junction with Duncrue Road
TRADING DATE:	Mon: 07:00 - 17:00 Tue: 07:00 - 17:00 Wed: 07:00 - 17:00 Thu: 07:00 - 17:00 Fri: 07:00 - 17:00
OUR COMMENTS:	We have no objection to this application. However, any vehicle/stall must not be positioned in such a way as to compromise road safety or traffic progression; that trading is restricted to being conducted on the footway side of the vehicle/stall only; and that the consent holder must observe and comply with all relevant Traffic Regulation Orders.

Please contact me if you wish to discuss further.

Yours sincerely,

[REDACTED]

Traffic Management 1



Building Control Service
Ground Floor
Cecil Ward Building
4-10 Linenhall Street
Belfast
BT2 8BP

20th April 2025

Dear Neil

Name of applicant: Daniel Smith

Site/Route: Duncrue Link 50ft from junction with Duncrue Road

Proposal Hot food and beverages
7.92 m by 2.44m

Operating Hours: Mon-Fri 0800hrs to 1430hrs

Please note that police are offering no objections to the above no alcohol Street Trading licence application being further considered and managed by Belfast City Council if all the required paperwork including the Access NI disclosure certificate is in order.

Police are unable to provide any comment on the applicant with only their names being provided.

If the licence is approved police would expect the applicant complies with the Street Trading Act (Northern Ireland) 2001 and the Road Traffic (Northern Ireland) Order 1981.

Forwarded for your attention.

Kind Regards

[Redacted Signature]
Licensing Officer, Musgrave Station, Belfast

**Network Traffic, Street Lighting and
Transportation
Eastern Division**



Department for

Infrastructure

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Textphone: 028 9054 0022

Email: Traffic.Eastern@infrastructure-ni.gov.uk

Website: www.infrastructure-ni.gov.uk

Being Dealt With By: [REDACTED]

Direct Line: [REDACTED]

Your Ref: WK/202205422

Our Ref: MT 182958-25

Date: 19 March 2025

Dear Mr Melville

APPLICATION FOR STATIONARY STREET TRADING LICENCE

OUR REF:	WK/202205422
DATE RECEIVED:	12 March 2025
APPLICANT:	Mr Daniel Smith
LOCATION:	Duncrue Link 50ft from junction with Duncrue Road
TRADING DATE:	Mon: 08:00 - 14:30 Tue: 08:00 - 14:30 Wed: 08:00 - 14:30 Thu: 08:00 - 14:30 Fri: 08:00 - 14:30
OUR COMMENTS:	We have no objection to this application. However, any vehicle/stall must not be positioned in such a way as to compromise road safety or traffic progression; that trading is restricted to being conducted on the footway side of the vehicle/stall only; and that the consent holder must observe and comply with all relevant Traffic Regulation Orders.

Please contact me if you wish to discuss further.

Yours sincerely,

[REDACTED]

Traffic Management 1

Appendix 2

Overview comments based on Section 5 of the Street Trading Policy regarding competing licence applications

Policy	Council comments	Miss Kemp (applied 20/01/25)	Mr Smith (applied 03/03/25)
<i>The suitability of the application in the context of the area or street;</i>	Hot food has been sold here for several years using a catering trailer.	Proposing to use a catering van.	Proposing to use a catering van.
<i>The suitability of allowing more than one application in the area or street;</i>	Only one site is designated.		
<i>The commodities or services which each applicant intends to sell or supply;</i>	Hot food and non-alcoholic beverages sold here for many years	Hot food and non-alcoholic beverages	Hot food and non-alcoholic beverages
<i>The merits of each application in the context of the character and appearance of the proposed area;</i>	Site has had Hot food sold there for a number of years using a catering trailer.	Applicant provided a photo of her van.	Applicant provided a photo of his van.
<i>Whether a mobile trader/a number of mobile traders will affect the character and appearance of the proposed area;</i>	<i>This is related to mobile licence, this is for Stationary Licence</i>	<i>Not applicable</i>	<i>Not applicable</i>
<i>Any potential adverse impact caused to the character and appearance of the proposed location by the application, by a mobile trader or by a number of mobile traders</i>	<i>This is related to mobile licence, this is for Stationary Licence</i>	<i>Not applicable</i>	<i>Not applicable</i>
<i>The extent to which the sale of the commodity will provide a useful service not otherwise provided in the area.</i>	There are already several retail food, restaurant, take away premises and Street Traders selling hot food in the area.		

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Appendix 3

Licensing Unit.	Procedure	ST Licence
Building Control Service	Page No.	1 of 5
Place and Economy Department	Edition/Issue No.	1/1
Street Trading Licensing Policy (March '11)	Issue Date	March 2011
	Reference:	Updated (Competing)
	Service:	Building Control

C O N T E N T S

	Page	Paragraph
Purpose	2	1
Scope	2	2
References	2	3
General Principles	2	4
Competing Applications	4	5

1 Purpose

By virtue of Section 5 of the Street Trading Act (Northern Ireland) 2001 the Council may grant to a person a Stationary or Mobile Licence authorising him to engage in Street Trading in a street or part thereof in its District.

The purpose of this Policy is to provide guidance on matters, which should be considered when deciding whether to grant to a person a Street Trading Licence. Its aim is to provide, insofar as is possible, consistent decision making so as to develop and thereafter maintain public confidence in Belfast City Council's performance of its duties.

2 Scope

This Policy is intended to ensure that Belfast City Council Members and Officers are aware of those matters to be taken into consideration when determining whether to grant a Stationary or Mobile Licence.

3 References

3.1 Street Trading Act (Northern Ireland) 2001.

3.2 Guide to the Street Trading Act (Northern Ireland) 2001.

4 General Principles

4.1 Each case must be considered on its own merits, but there are general principles that apply in all cases. The duty of Belfast City Council is to make sure that each Street Trading Licence application is fairly and objectively assessed and that all relevant factors are considered.

4.2 Belfast City Council may consult with -

- (a) The Police District Command Unit in which the streets are situated;
- (b) The Department for Infrastructure as regards that Department's functions with respect to roads and regulation of road traffic;

4.3 The Council may also consult other persons, as it considers appropriate. Such Consultees may include the following:

- (a) Belfast Chamber of Trade and Commerce.
- (b) Business Improvement District
- (c) Nearby Street Trading Licence holders who may be affected.
- (d) Business, commercial and residential premises in the vicinity of the trading area in respect of which the application has been received.
- (e) N.I. Ambulance Service and /or other Emergency Services
- (f) National Market Traders Federation

4.4 Without prejudice to its right to take account of any relevant consideration in determining the suitability of each Street Trading Licence, Belfast City Council may take into account:

- (a) The safety of the public and any risks which may arise.
- (b) The appropriateness and suitability of the area, street or part thereof and commodities in relation to the location.
- (c) The potential adverse impact that Street Trading may have upon the character and appearance of the area in question
- (d) The extent to which the sale of the commodity will provide a useful service to the event or occasion not otherwise provided in the area;
- (e) The potential environmental effects such as additional litter, cleansing requirements, odour and noise.
- (f) The potential for the proposed said Street Trading Licence to have an adverse effect in terms of anti-social behaviour and public disorder.
- (g) Any other Statutory provision, Code or Standard as appears to the Council to be material.
- (h) Previous complaints arising from any Street Trading activities in that area, street or part thereof.
- (i) The views, reports or opinions of such consultees as appear to the Council to be material.
- (j) The suitability of the applicant.

4.5 Belfast City Council will refuse an application under Section 5 of the Act (Mandatory grounds for refusing an application) if the applicant-

- (a) Is not an individual; or
- (b) Has not reached the upper limit of compulsory school age, within the meaning of Article 46 of the Education and Libraries (Northern Ireland) Order 1986 (NI 3).
- (c) If the applicant wishes to trade at a place where trading would contravene any statutory provision or rule of law.
- (d) In a street which is not a designated street;
- (e) In any article, thing or service the sale or supply of which would be contrary to the terms of any designating resolution having effect in relation to the designated street in which the applicant wishes to trade.

4.6 Belfast City Council may refuse an application under Section 5 of the Act (Discretionary grounds for refusing an application) if -

- (a) The location at which the applicant wishes to trade as a stationary trader is unsuitable;
- (b) The space in the designated street in which the applicant wishes to trade as a stationary trader is inadequate for the applicant to do so without causing undue interference or inconvenience to persons or vehicles using the street;
- (c) The area or areas of the district in which the applicant wishes to trade as a mobile trader are unsuitable for the applicant to do so without causing undue interference or inconvenience to persons or vehicles in the area or areas;
- (d) There are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade;
- (e) The nature of the articles, things or services in which the applicant wishes to trade is such that their sale or supply, or their preparation for sale or supply, would adversely affect the general amenity of the area in which the applicant wishes to trade;

- (f) That the applicant has, in connection with the application, made a statement which he knows to be false in a material particular;
 - (g) That the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence;
 - (h) That the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;
 - (i) That the applicant has at any time been granted a street trading licence by the council, which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to the council in respect of the licence;
 - (j) That the applicant has failed to provide the particulars required by the council to deal with the application;
 - (k) That the applicant has failed to provide or identify suitable or adequate arrangements for storing any articles, things or receptacles in or with which he proposes to trade.
- 4.7 If the Council considers that grounds for refusal exist under subsection (1) (d) of the Act, it may grant the applicant a licence subject to conditions which permit him-
- (a) To trade on fewer days or during a shorter period in each day than is specified in the application; or
 - (b) To trade in a different designated street or in a different area from that specified in the application.

5. Competing Applications

- 5.1 In the event that there are two or more applications for a licence in a designated site or there are multiple mobile licence applications for a similar geographical area within the City, each applicant will be invited to address the Licensing Committee by making a short presentation which may be followed by questions from Members (the presentation should include matters such as how the business will be operated, the design of the stall, how the commodities which are proposed to be sold will add to the area, etc. Where appropriate the applicant may also address any concerns or objections to their proposal).
- 5.2 In determining an application under this section, the Council may take into account any consideration which it deems appropriate and will take into account the discretionary grounds for refusal already detailed in paragraph 4.6.
- 5.3 Without prejudice to the above, the Council may also take the following into account:
- (a) The suitability of the application in the context of the area or street;
 - (b) The suitability of allowing more than one application in the area or street;
 - (c) The commodities or services which each applicant intends to sell or supply;
 - (d) The merits of each application in the context of the character and appearance of the proposed area;
 - (e) Whether a mobile trader/a number of mobile traders will affect the character and appearance of the proposed area;
 - (f) Any potential adverse impact caused to the character and appearance of the proposed location by the application, by a mobile trader or by a number of mobile traders;
 - (g) The extent to which the sale of the commodity will provide a useful service not otherwise provided in the area.

- 5.4 This policy may be considered, amended or replaced at any time without any further requirement to consult other parties.

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