



Subject:	Clarification on competing Street Trading applications
Date:	20 August 2025
Reporting Officer:	Kate Bentley, Director of Planning & Building Control, ext. 2300
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Restricted Reports

Is this report restricted?

Yes

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No

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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

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No

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1.0	Purpose of Report
1.1	To provide clarity on how the Committee considers competing Street Trading licence applications.
2.0	Recommendations
2.1	The Committee is requested to note the content of the report.
3.0	Main Report
3.1	<p>Background</p> <p>At the meeting in May 2025, the Licensing Committee considered two competing applications for a street trading licence at two locations in the city.</p>
3.2	During the discussion on the applications, the Committee asked for clarification on how they should deal with competing applications, and a report was requested.
3.3	<p>The application process</p> <p>The Council operates a Street Trading Licence process in accordance with the Street Trading Act (Northern Ireland) 2001. As part of those processes, the Council grants stationary licences to trade from designated permanent pitches.</p>
3.4	To designate a permanent pitch, the council will publish legal notices for 28 days explaining the proposals in a local newspaper to make sure the public and other organisations are consulted. Requests for designation of a permanent pitch can be made to the Council.
3.5	Once a permanent pitch is designated, applications can be considered for licences to trade from that pitch. A list of all the designated pitches in Belfast is available on the Council's website . The list outlines the items that can be sold on each pitch and whether the pitch is currently available.
3.6	If a pitch is available and an application for a street trading licence is received, the Council will look to process that application within reasonable timescales. Applicants should allow a minimum of 28 days from the date of receipt for the Council to process the application for a stationary or mobile street trading licence. The Council strives to notify all applicants of the outcome of their application, including issuing the licence, within 10 working days of the council decision made in relation to the application.
3.7	Where a single application for a street trading licence is received on a designated pitch, the decision to grant the application can be made under delegated authority in line with the Council's scheme of delegation which sets out that the Strategic Director of Place and Economy has responsibility for exercising all powers in relation to the issue (but not refusal) of permits and licences.
3.8	Where a second application is subsequently received on a designated pitch, officers do not have delegated authority to refuse it because an application is already being considered. Similarly, officers do not have delegated authority to decide between the competing applications as this would require one to be refused. The competing applications must therefore be brought before the Licensing Committee so that one of the applications can be approved and one refused in accordance with the mandatory and discretionary reasons set out in legislation.

3.9	<p>Mandatory reasons for refusal relate mostly to process issues such as the age of the individual, there isn't a designated pitch or the nature of goods to be sold.</p>
3.10	<p>The Council may refuse an application on the following discretionary grounds:</p> <p>(a) that—</p> <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; (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; or (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; <p>(b) that the applicant has, in connection with the application, made a statement which he knows to be false in a material particular;</p> <p>(c) that the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence;</p> <p>(d) that the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;</p> <p>(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;</p> <p>(f) that the applicant has failed to provide the particulars required by the council to deal with the application;</p> <p>(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.</p>
3.11	<p>The Council's Street Trading Licensing Policy</p> <p>The Council's Street Trading Licensing Policy (included at Appendix 1) sets out 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 to as to develop and maintain public confidence in Belfast City Council's performance of its duties.</p>
3.12	<p>The Policy was amended in early 2011 after Members had asked for the establishment of policy to assist them in determining competing applications for Street Trading Licences. The inclusion of the guidance followed considerable background research which included looking at other jurisdictions to ascertain if they have established a policy or procedure that could be used as the framework for our policy. Unfortunately, it became apparent that no jurisdiction had such a policy in operation, and that some working practices (including grating all competing applications and leaving it to the traders to agree who could trade) had created serious operational difficulties.</p>
3.13	<p>Paragraph 5 of the Policy was created to deal with the issue of competing Stationary or Mobile Street Trading Licence applications where there are two or more applications for a licence at a designated site or there are multiple mobile licence applications for a similar geographical area within the City. It provides guidance on how to deal with situations when the Council cannot negotiate competing licence applications.</p>

3.14	Paragraph 5.1 provides that where there are competing applications each applicant will be invited to address the Licensing Committee by making a short presentation on their proposed business.
3.15	The presentation should include matters such as how the business will be operated, the design of the stall, how the commodities they propose to sell will add to the area and should address any concerns or objections to their proposal, this may be followed by questions from Members.
3.16	Paragraph 5.2 provides that, in determining competing applications, the Committee may take into account any consideration which they deem appropriate and take into account the discretionary ground for refusal detailed in paragraph 4.6 of the Policy (and set out in paragraph 3.10 above).
3.17	<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> <ol 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.
3.18	In practice, where two or more similar street trading applications have been received and the first one would not be refused under the mandatory, or discretionary grounds, the Committee has previously felt that the first application received should be granted. This then means that the subsequent applications therefore require to be refused as in line with the discretionary grounds that there are then sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade (i.e. the pitch has been taken).
3.19	This practice has not and would not preclude the Committee taking into account the considerations set out in the Council's Street Trading Licensing Policy and listed above in para 3.17 where there are considered to be discernible differences in the applications that are being considered.
4.0	<p>Financial and Resource Implications</p> <p>There are no financial or resource implications arising from this report.</p>
5.0	<p>Equality and Good Relations Implications/Rural Needs Assessment</p> <p>There are no issues associated with this report.</p>
6.0	<p>Appendices – Documents Attached</p> <ul style="list-style-type: none"> • Appendix 1 – Belfast City Council Street Trading Licensing Policy (March 2011)