

**Competing Stationary Street Trading Licence  
applications for Boucher Crescent at lamp post  
number 16**

The Senior Licensing Officer advised the Committee that it was being asked to consider two competing Stationary Street Trading Licence applications to trade at a designated site in Boucher Crescent. The site was designated to allow for the sale of hot food and non-alcoholic beverages and both applications complied with the designating resolution for the site.

The first application was received from Mr. Ajithjosedaniel Arputharaj. He had applied to sell hot food and non-alcoholic beverages from a trailer measuring 5.5m by 2.1m. His proposed hours of operation were Monday to Sunday, 7.00am to 9.00pm. He had not previously held a street trading licence with Belfast City Council. He was registered with the Council's Environmental Health Food Safety and was awaiting initial inspection.

The second application was from Mr. Aaron Smallwood. He had applied to sell hot food and non-alcoholic beverages from a trailer measuring 3m by 2m. His proposed hours of operation were Monday to Saturday, 9.00am to 3.30pm. Mr. Smith had not previously held a street trading licence with Belfast City Council. He was registered with North Down and Ards Borough Council's Environmental Health Food Safety where he had a five star food hygiene rating.

The PSNI and DFI Roads had been consulted and had no objections to either application, subject to correct vehicle positioning.

The Chairperson advised the Committee that the two applicants were in attendance to outline their proposals for the site. He invited Mr. Arputharaj and his wife Mrs. Vinoliya Sahayaraj to address the Committee first.

Mrs. Sahayaraj explained that she was the co-owner of the business and was also a nurse. She stated that a healthy gut made a healthy mind and they wanted to offer something different to the local area, including Indian dosas and fresh fruit juices.

The Chairperson then welcomed Mr. Smallwood. He advised the Committee that he had an airstream-style trailer which had been custom built for his business. He proposed to sell sourdough toasties, locally roasted coffee and locally made traybakes. He also proposed to employ people in the local area.

The Senior Licensing Officer advised the Members that the first application, from Mr. Arputharaj, was received six days before Mr. Smallwood's application.

In response to a Member's query, he clarified that a Food Hygiene rating was awarded after an inspection of the area/vehicle used for food preparation and serving, and was not awarded to a person.

A further Member stated that it was, again, hard to determine which business should be awarded the pitch as both seemed like good businesses. However, he stated that he felt that the Committee should consider awarding the licence to Mr. Smallwood, given that he had invested significant money into the trailer, that it was his intention to use local produce and that he had previously been awarded a five-star food hygiene rating by another Council.

A further Member stated that, in order to be consistent with the previous application, that the licence be granted to the application which had been received first.

Moved by Councillor Ó Néill  
Seconded by Councillor T. Brooks and

Resolved - That the Committee is minded to grant and approve the licence to Mr. Arputharaj and, given the fact that there is only one designated site available, is minded to refuse the licence application to Mr. A. Smallwood on the grounds set out in Section 9 (a) (i) and (iv) of the Street Trading Act (Northern Ireland) 2001, namely, that the location at which the applicant wishes to trade as a stationary trader is unsuitable and 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.





<b>Subject:</b>	<b>Competing Stationary Street Trading Licence applications for Boucher Crescent at lamp post number 16</b>
<b>Date:</b>	21 May 2025
<b>Reporting Officer:</b>	Kate Bentley, Director of Planning and Building Control, Ext. 2300
<b>Contact Officer:</b>	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**


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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
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.
<b>2.0</b>	<b>Recommendations</b>
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"> <li>1. Minded to grant and approve the Licence to Mr Ajithjosedaniel Arputharaj; or</li> <li>2. Minded to grant and approve the Licence to Mr Aaron Smallwood; or</li> <li>3. Minded to grant and approve the Licence to one of the applicants with additional Conditions, and then;</li> <li>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.</li> </ol>
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.
<b>3.0</b>	<b>Key Issues</b>
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"> <li>i. The location at which the applicant wishes to trade as a stationary trader is unsuitable;</li> </ol>

	<ul style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>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;</li> <li>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;</li> </ul> <ul style="list-style-type: none"> <li>b. That the applicant has, in connection with the application, made a statement which he knows to be false in a material particular;</li> <li>c. That the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence;</li> <li>d. That the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;</li> <li>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;</li> <li>f. That the applicant has failed to provide the particulars required by the council to deal with the application;</li> <li>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.</li> </ul>
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"> <li>1. The suitability of the application in the context of the area or street;</li> <li>2. The suitability of allowing more than one application in the area or street;</li> <li>3. The commodities or services which each applicant intends to sell or supply;</li> <li>4. The merits of each application in the context of the character and appearance of the proposed area;</li> <li>5. Whether a mobile trader/a number of mobile traders will affect the character and</li> </ul>

	<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><b><u>Details of the competing applications</u></b></p>
3.7	<p><b>Applicant 1:</b> 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"> <li>Monday to Sunday from 7.00am to 9.00pm</li> </ul>
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><b>Applicant 2:</b> 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"> <li>Monday to Saturday from 9.00am to 3.30pm</li> </ul>
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.
	<b><u>Consultation</u></b>
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	<b>Police Service of Northern Ireland.</b> The police have no objection.
3.15	<b>DFI Roads.</b> 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><b><u>Financial &amp; Resource Implications</u></b></p> <p>If the Committee grants a Licence, the Stationary Street Trading Licence fee is as follows:</p> <ul style="list-style-type: none"> <li>• Application Fee of £150, and</li> <li>• A Licence fee, for Monday to Sunday, of £1250 per annum, or</li> <li>• A Licence fee, for Monday to Saturday, of £1000 per annum.</li> </ul> <p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p>
3.20	<p>There are no issues associated with this report.</p>
4.0	<p><b>Appendices – Documents Attached</b></p>
	<ul style="list-style-type: none"> <li>• Appendix 1 - PSNI and DfI Roads Service consultation response</li> <li>• Appendix 2 – Overview of applications</li> <li>• Appendix 3 - Street Trading Licensing Policy</li> </ul>



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

11<sup>th</sup> April 2025

Dear Neil

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

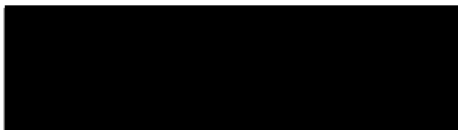
Mon-Sun 0700  
Mon-Sat 0900

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  
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Cecil Ward Building  
4 - 10 Linenhall Street  
Belfast  
BT2 8BP  
  
melvilleN@belfastcity.gov.uk

Hydebank House  
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Telephone: 0300 200 7893  
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Website: [www.infrastructure-ni.gov.uk](http://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**

<b>OUR REF:</b>	WK/202205423
<b>DATE RECEIVED:</b>	12 March 2025
<b>APPLICANT:</b>	Mr Ajithjosedaniel Arputharaj
<b>LOCATION:</b>	Boucher Crescent at lamp post No.16
<b>TRADING DATE:</b>	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
<b>OUR COMMENTS:</b>	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](http://www.infrastructure-ni.gov.uk)

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Website: [www.infrastructure-ni.gov.uk](http://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**

<b>OUR REF:</b>	WK/202205472
<b>DATE RECEIVED:</b>	24 March 2025
<b>APPLICANT:</b>	Mr Aaron Smallwood
<b>LOCATION:</b>	Boucher Crescent at lamp post No.16
<b>TRADING DATE:</b>	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
<b>OUR COMMENTS:</b>	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
<b>Street Trading Licensing Policy</b> (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
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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.