

### 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
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### C O N T E N T S

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## **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.