



Subject:	Final decision on competing Stationary Street Trading Licence applications for Boucher Crescent at lamp post number 16, for which appeal received.
Date:	20 August 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

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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

Call-in

Is the decision eligible for Call-in?

Yes

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No

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1.0	Purpose of Report or Summary of main Issues
1.1	Members are reminded that, at your meeting of 21 May 2025, you considered two separate Street Trading Licence Applications from Mr Ajithjosedaniel Arputharaj and Mr Aaron Smallwood to trade at the designated site in Boucher Crescent at lamp post number 16.
1.2	After hearing from the applicants and considering the applications, the Committee agreed that it was minded to grant Mr Arputharaj a Stationary Street Trading Licence to sell hot food and non-alcoholic beverages from a catering trailer Monday to Sunday from 7.00am to 9.00pm. One of the reasons given for that decision was that, in line with previous decisions, the street trading licence should be awarded to the application received first.
1.3	The result of that decision means that the single Designated Street Trading Site is taken and as such there is no suitable location for the other applicant and also now sufficient traders trading in the street, in the articles, things or services in which the successful applicant wanted to trade.
1.4	As a consequence, the Committee agreed that you were minded to refuse the application submitted by Mr Smallwood.
1.5	A copy of the report and minutes from that meeting is attached as Appendix 1.
1.6	Mr Smallwood has submitted a written representation to appeal your decision, which Committee must now consider, before arriving at your final decision on the competing street trading applications for this designated site. Some of Mr Smallwood's representations are not material concerns for the Committee when making their decision.
2.0	Recommendations
2.1	Members must agree either to: <ul style="list-style-type: none"> 1. Uphold the initial decision of the 21 May 2025 and grant the licence to Mr Arputharaj and refuse the other application, or 2. Amend its decision of 21 May 2025.
2.2	If Members uphold the initial decision and grant the licence to Mr Arputharaj, refusing to grant the licence to Mr Smallwood, Mr Smallwood has a right of appeal to the Magistrates Court against the refusal.
2.3	On granting a Licence, Members may attach any reasonable Conditions to it, if they so decide. The Licence would only be granted on a 1-year basis, as is normal for applications from traders that have previously not held a street trading licence in Belfast.
2.4	If Members amend their decision of 21 May 2025, the Committee should give the grounds for so doing and, as the Committee will be making new minded-to decisions concerning the applications, a date for a special meeting must be arranged to hear from the relevant applicant again before making the final decision.
3.0	Main Report
	<u>Key Issues</u>

3.1	As a consequence of agreeing that you were minded to grant the Stationary Street Trading Licence to Mr Arputharaj, the Committee agreed that it was minded to refuse the application which had been submitted by Mr Smallwood.
3.2	That decision was on the grounds set out in Sections 9(1) (a) (i) and (iv) of the Street Trading Act (Northern Ireland) 2001, namely, that the location at which he wished to trade was unsuitable and that there were sufficient traders trading at that location in the articles, things or services in which he wished to trade.
3.3	Mr Smallwood has submitted a written appeal against your decision, a copy of which is attached as Appendix 2.
3.3	<p>In his written appeal Mr Smallwood outlines:</p> <ul style="list-style-type: none"> • That initially during the Committee Meeting a Member had clearly agreed that his business 'the toastie co' should be granted the street trading pitch based on the positive contribution it would bring to the local community. • Stresses the value and uniqueness of the offerings, which include signature roasted house blend coffee, local baked goods, and high-quality toasties. • That at the Committee Meeting a Member cited the presence of another party selling toasties, whom the applicant clarified does not sell toasties but loaded fries, tacos, burgers, wraps, salads and pancakes, and is a private individual who is located on the other side of the Balmoral Estate. • That Mr Arputharaj had applied for the pitch six days before Mr Smallwood, and that providing Indian food and bringing spices from abroad does not support local sourcing, and his proposed set-up, given its scale and nature (seven days 7am-9am and proposed cheap prices) should not have been passed by the committee. • Mr Smallwood had invested thousands of pounds into his businesses, working with local suppliers for sourdough bread, Bailies Coffee Roasters, sourcing vegetables and cheese locally. • His business is committed to supporting local jobs and the economy, aligning with the community spirit and policies of the Council. • Mr Smallwood requests that the decision be reconsidered, taking into account the substantial local investment he has made and the positive contribution he would bring.
4.0	<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.
5.0	<p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></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 – Minutes and Report from Licensing Committee meeting of 21 May 2025 • Appendix 2 – Mr Smallwood's Written Representation • Appendix 3 – Street Trading Licensing Policy