



<b>Subject:</b>	<b>Competing Stationary Street Trading Licence applications for Duncrue Link 50ft from the junction with Duncrue Road</b>
<b>Date:</b>	21 May 2025
<b>Reporting Officer:</b>	Kate Bentley, Director of Planning & 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**

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☐  
☐  
☐

**Call-in**

**Is the decision eligible for Call-in?**

**Yes**

☒

**No**

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<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 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
<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 Miss Vanessa Kemp; or</li> <li>2. Minded to grant and approve the Licence to Mr Daniel Smith; 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> <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> </ol>

	<ul style="list-style-type: none"> <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 appearance of the proposed area;</li> <li>6. Any potential adverse impact caused to the character and appearance of the proposed</li> </ul>

	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.
	<b><u>Details of the competing applications</u></b>
3.7	<b>Applicant 1:</b> 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"> <li>Monday to Friday from 7.00am to 5.00pm</li> </ul>
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	<b>Applicant 2:</b> 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"> <li>Monday to Friday from 8.00am to 2.30pm</li> </ul>
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.
	<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 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.
	<b><u>Financial &amp; Resource Implications</u></b>

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