

Appendix D

<p><i>Regulatory Services Division. Consumer Protection. Health & Environmental Services. Street Trading Designating Resolution Policy</i></p>	<p>Procedure CP RS ST Page No. 1 of 4 Edition/Issue No. 1/1 Issue Date OCTOBER 2001 Reference: JC Service: Consumer Protection</p>
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C O N T E N T S

	Page	Paragraph
Purpose	2	1
Scope	2	2
References	2	3
Background	2	4
General Principles	3	5

1 Purpose

By virtue of Section 3 of the Street Trading Act (Northern Ireland) 2001 the Council may pass a Resolution Designating a street in which it may allocate trading pitches to holders of Street Trading Licences.

The purpose of this Policy is to provide guidance on matters which should be considered when deciding whether to Designate a street or part thereof for Street Trading. 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 and Procedure is intended to ensure that Belfast City Council Members and Officers are aware of those matters to be taken into consideration when determining if a street or part thereof should be Designated for the purposes of the Street Trading Act (Northern Ireland) 2001.

Initially the City Council will consider those streets or part thereof in respect of which applications have been received , or for which licences have been issued for Street Trading (excepting those applications which have been previously refused).

The City Council will consider further streets or part thereof for proposed designation 6 months from the initial Designating Resolution and then annually thereafter on a date to be appointed by the Council. In so doing the City Council will consider representations made to it in respect of the said streets or part thereof. However, the Council may exercise the right to make further Designating Resolutions in exceptional circumstances on dates at its discretion.

3 References

3.1 Street Trading Act (Northern Ireland) 2001.

3.2 Guide to The Street Trading Act (Northern Ireland) 2001.

4 Background

The Street Trading Act (Northern Ireland) 2001 enables District Councils to regulate Street Trading through designating, licensing and enforcement procedures. The Act received Royal Assent on the 5th April 2001, with a run in period of 6 months and becomes operative on the 1st October 2001. The new Act repealed most of the provisions of the 1929 Street Trading (Regulation) Act, except Section 10 which contains the provisions whereby Market Rights can be acquired or extinguished.

The Act empowers the City Council to designate specific streets or part thereof in the City as being suitable for street trading. A licence to trade may only be granted in respect of a street which has been designated.

Designation is designed to be an open process which gives everyone an opportunity to comment on a proposal to permit street trading in a particular street.

5 General Principles

- 5.1 Each case must be considered on its own merits, but there are general principles that apply in all cases. The duty of the City Council is to make sure that each street is fairly and objectively assessed and that all relevant factors are considered.
- 5.2 The City Council will consult with -
- (a) The District Commander of the Police District Command Unit in which the streets are situated;
 - (b) The Department for Regional Development as regards that department's functions with respect to roads and regulation of road traffic;
- 5.3 The City Council may also consult other persons as it considers appropriate. Such Consultees may include the following:
- (i) Planning Service
 - (ii) N.I. Fire Authority
 - (iii) Belfast City Chamber of Trade and Commerce
 - (iv) Belfast City Centre Management Company
 - (v) National Market Traders Federation
 - (vi) Such other Consultants as it deems appropriate e.g. - Planner, Road Traffic, Conservation Area Specialist and Commercial Estate Agents
 - (vii) Nearby Street Trading Licence holders who may be affected.
 - (viii) Business and Commercial premises in the vicinity of the site in respect of which the application has been received.
 - (ix) Shop Mobility and Disability Action.
 - (x) N.I. Ambulance Service.
- 5.4 Without prejudice to its right to take account of any relevant consideration in determining the suitability of each proposed Street Trading Designation, the Council will take into account:
- (a) The safety of the public and any risks which may arise.
 - (b) The future development plans for the street or areas proximate which may be affected by such designation.
 - (c) The appropriateness and suitability of the street or part thereof and commodities in relation to the location.
 - (d) The potential adverse impact that street trading may have upon the character and appearance of the area in question and in particular Conservation Areas and on adjacent Listed Buildings.
 - (e) The extent to which the sale of the commodity will provide a useful service to the local community not otherwise provided in the area;
 - (f) The potential environmental effects such as additional litter, cleansing requirements noise and litter.

- (g) The potential for the proposed designation of a street or part thereof to have an adverse effect in terms of anti-social behaviour, public order or public safety.
- (h) Any other Statutory ground which it would be appropriate to consider;
- (i) Complaints arising from street trading activities at a street or part thereof, previously designated or licensed for such trading.
- (j) Any relevant Planning Policy.