



Belfast City Council

Report to:	Licensing Committee
Subject:	Applications for Stationary Street Trading Licences - Donegall Quay
Date:	20th June, 2012
Reporting Officer:	Trevor Martin, Head of Building Control, Ext. 2450
Contact Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435

1	Relevant Background Information
1.1	At its meeting on 22nd September 2008, having considered all of the representations made, the Committee agreed to designate three sites at Donegall Quay beside the Lagan Lookout building as a place in respect of which it might grant three individual Stationary Street Trading Licences for the sale of commodities including hot and cold food and beverages, confectionery, tourist gifts and other services.
1.2	As the Belfast City Centre Regeneration Directorate of the Department for Social Development are the landowner and the area is also a significant public space, it was agreed that the Council would seek DSD's opinion on street trading licence applications for the sites to ensure they would be willing to give permission to the applicant to use their land for the proposed purpose.
1.3	The Council has now received two separate applications for two of the three sites, both of which comply with the designating resolution for the sites. The details of the applications are outlined below: Site 1.
1.4	Mr George Grimley has applied to sell tour, event and concert tickets, souvenir T-shirts and caps, at one of the sites in Donegall Quay, from a small trailer unit measuring 3m x 1.5m.
1.5	His proposed hours of operation are as follows: Monday to Saturday from 9.00 a.m. to 9.00 p.m., and Sunday from 10.00 a.m. to 9.00 p.m.
1.6	DSD Belfast City Centre Regeneration Directorate has met with Mr Grimley and agreed in principle that he can trade from one of the sites subject to obtaining a Street Trading Licence.
1.7	Mr Grimley will also have to enter into a licence agreement with DSD for the use of their land.

	<p>Site 2.</p>
1.8	Miss Sinead Hyndman has applied to sell cold food, confectionery, hot and cold non alcoholic beverages, tour tickets and postcards at one of the sites in Donegall Quay, from a silver Citroën HY van measuring 4.25m x 2m.
1.9	Her proposed hours of operation are as follows: <p style="text-align: center;">Monday to Saturday from 8.00 a.m. to 6.00 p.m., and</p> <p style="text-align: center;">Sunday from 11.00 a.m. to 6.00 p.m.</p>
1.10	The size of the stall is larger than a normal City centre street trading pitch which is 3m x 1.5m (4.5sqm) as stated at Section 5.4 of the Stall Design Policy. Members are however advised that Section 5.9 of the Policy allows in any individual case, and for whatever reason, that Committee may decide to grant a design which varies from the agreed Policy and that such a decision would not be taken to have created any kind of precedent in respect of future applications. The Committee has previously granted licences for larger pitch sizes at a number of different locations in the City centre.
1.11	There are no objections to the larger stall size.
1.12	DSD Belfast City Centre Regeneration Directorate have met with Miss Hyndman and agreed in principle that she can trade from one of the sites subject to obtaining a Street Trading Licence.
1.13	Miss Hyndman will also have to enter into a licence agreement with DSD for the use of their land.

2	Key Issues
2.1	Members are reminded that the normal process for dealing with a Stationary Street Trading Licence application, which is not the subject of objections or competition, is that the Director of Health and Environmental Services will grant the licence as provided for in the Council's Scheme of Delegation.
2.2	However, these applications include the sale of bus tour tickets, and as such it is deemed appropriate for Committee to consider this matter.
2.3	The applicants have been invited to appear before Committee and make a brief presentation and to answer any questions you may have.

3	Resource Implications
3.1	<p><u>Financial Implications</u> The application fee for each Street Trading Licence is £100 and the Licence fee, if licensed Monday to Sunday, will be £1017 per annum.</p>
3.2	<p><u>Human Resources</u> None.</p>
3.3	<p><u>Asset and Other Implications</u> None.</p>

4	Equality Implications
4.1	There are no equality and good relations issues.

5	Recommendation
5.1	<p>Based on the submissions presented and considering any amendments to the applications the Committee is required to consider each application in turn and then make a decision regarding each as follows:-</p> <ol style="list-style-type: none"> 1. To approve the application for the grant of a Street Trading Licence; or 2. To approve the application with additional conditions; or 3. That you are minded to refuse the application for the grant of a Street Trading Licence under the discretionary grounds as set out at Section 9 (1) of the Act.
5.2	<p>Section 9 (1) of the Act states that a council may refuse an application on any of the following grounds:-</p> <p>(a) that –</p> <ol style="list-style-type: none"> (i) the location at which the applicant wishes to trade as a stationary trader is unsuitable; (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; (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; (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; or (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; <p>(b) that the applicant has, in connection with the application, made a statement which he knows to be false in a material particular;</p> <p>(c) that the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence;</p> <p>(d) that the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;</p> <p>(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;</p> <p>(f) that the applicant has failed to provide the particulars required by the council to deal with the application;</p> <p>(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.</p>

5.3	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 twenty-one days from the date of notice.
5.4	As a consequence, the actual decision to refuse the licence will be considered at a meeting on a later date.
5.5	There is a right of appeal to the Magistrate's Court against any refusal on these grounds.

6	Decision Tracking
<p>If a licence is granted and assuming all outstanding technical matters have been dealt with, the applicant will be sent a copy of the licence within 7 days of the Council decision. The person responsible for this action is Trevor Martin, Head of Building Control.</p> <p>If you are minded to refuse an application, the applicant will be advised in writing within 7 days of their right to make written representation regarding this decision. The person responsible for this action is Henry Downey, Democratic Services Officer, Chief Executive's Department.</p>	