



Belfast City Council

Report to:	Licensing Committee
Subject:	Competing Applications for a Stationary Street Trading Licence – Site 2, Berry Street
Date:	11th December, 2013
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	Members are reminded that, at your meeting on 16 th October 2013, you considered separate Street Trading Licence applications from Miss Monika Szczesna and Mr Peter Robinson for the vacant designated site on Berry Street which is situated 46 ft. from the junction with Royal Avenue and runs along the wall at the Telecom Unit.
1.2	<p>In considering these applications Committee noted the following:</p> <ul style="list-style-type: none">• Miss Monika Szczesna had applied to sell hand crafts, e-cigarettes, e-cigarette accessories and refills, seasonal accessories (Christmas, Easter, Halloween, etc.) leather goods and jewellery from a traditional market stall measuring 3m x 1.5m.• Mr Peter Robinson had applied to sell hand crafts, football souvenirs, vintage and collectable clothing, bags and fashion accessories and seasonal flowers from a traditional market stall measuring 3m x 1.5m.
1.3	A copy of the minute from that meeting is attached at Appendix 1.

2	Key Issues
2.1	<p>After consideration, the Committee agreed that it was minded to grant to Miss Monika Szczesna a Stationary Street Trading Licence to sell hand crafts, e-cigarettes, e-cigarette accessories and refills, seasonal accessories (Christmas, Easter, Halloween, etc.) leather goods and jewellery from a traditional market stall measuring 3m x 1.5m from Monday to Saturday between the hours of 9.00am and 7.00pm and on a Sunday between the hours of 1.00pm to 6.00pm in Berry Street at a pitch designated previously by the Council for the sale of those commodities, subject to:</p> <ul style="list-style-type: none">(i) the applicant providing all necessary documentation; and(ii) the receipt of the appropriate licensing fees.
2.2	<p>As a consequence of that decision, and that there was only one designated site available, the Committee agreed that it was minded to refuse the application which had been submitted by Mr. P. Robinson, on the grounds set out in Sections 9(a)(i) and 9(a)(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.</p>

2.3	Accordingly, Mr Robinson was notified that he would be permitted to make written representation to the Council with such representation to be made within twenty-one days from the date of notice.
2.4	Members are advised that Mr Robinson is not appealing the Committee's decision and has written to the Council (Appendix 2) in respect of this application, thanking them for their time and requesting that his application is held on record and if a suitable location becomes available that his application is considered for that site.
2.5	Officers have also contacted Mr Robinson and discussed with him the availability of sites.
2.6	Members are reminded that there is only one remaining pitch available at this site therefore once one application for a licence is granted the other will automatically be refused.

3	Resource Implications
	<u>Financial</u>
3.1	If the Committee grants a licence, the Street Trading Licence fee is as follows: <ul style="list-style-type: none"> • Application Fee of £100, and • A Licence fee, for Monday to Sunday, of £1,017 per annum.
	<u>Human Resources</u>
3.2	None.
	<u>Asset and Other Implications</u>
3.3	None.

4	Equality and Good Relations Considerations
4.1	There are no equality or good relations issues

5	Recommendations
5.1	The Committee must either to: <ol style="list-style-type: none"> 1. Uphold the initial decision of the 16th October 2013 and grant the Licence to Miss Monika Szczesna for a period of one year and refuse Mr Robinson's application, or 2. Amend its decision of 16th October 2013.
5.2	Should Members uphold the decision and grant the Licence to Miss Szczesna, Mr Robinson may appeal the Council's final decision within 21 days of notification of that decision to the Magistrates' Court.
5.3	If Members amend their decision of 16 th October it should give the grounds for so doing and that a date for a special meeting be arranged to hear from both applicants again before making the final decision.
5.4	On granting a licence, Members may attach any reasonable conditions to it they so decide.

6	Decision Tracking
<p>If the Committee affirms its decision of 16th October 2013, assuming all outstanding technical matters have been dealt with, Miss Szczesna will be sent a copy of the licence within 7 days of the Council decision.</p> <p>The person responsible for this action is Trevor Martin, Head of Building Control.</p> <p>Mr Robinson will be advised in writing of the final decision of the Council within 7 days and advised of his right to appeal the Council's decision within 21 days of notification of that decision to the Magistrates' Court.</p> <p>The person responsible for this action is Henry Downey, Democratic Services Officer, Chief Executive's Department.</p> <p>If Committee amend their decision of 16th October 2013 both applicants will be informed that a special meeting will be arranged to hear from them again before a final decision is made.</p> <p>The person responsible for this action is Henry Downey, Democratic Services Officer, Chief Executive's Department</p>	

7	Documents Attached
<p>Appendix 1: Minute of meeting of 16th October 2013</p> <p>Appendix 2: Letter from Mr Robinson</p>	