



Belfast City Council

Report to:	Licensing Committee
Subject:	Competing Applications for a Stationary Street Trading Licence - Shaw's Bridge Car Park
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, you considered separate Street Trading Licence applications from Mr Kenneth Chivers, Mr Robert Adair and Mr Paul Chivers for the designated site on Shaw's Bridge car park.
1.2	<p>In considering these applications Committee noted the following:</p> <ul style="list-style-type: none">• Mr Kenneth Chivers reported that he had, since 2012, held a Stationary Street Trading Licence permitting him to sell ice cream, confectionery and non-alcoholic drinks from the car park at Shaw's Bridge.• For four years prior to that, he had been employed there by his father, who had been the licensee at that time. He explained that he strove to provide a high quality service and he pointed out that his business had attained consistently a 5-star rating from the Council in terms of its food hygiene and that his van had been specially adapted to reduce fuel emissions and was maintained regularly. In addition, he provided, during peak times, additional receptacles for waste and ensured that all litter generated by the operation of his business was removed from the site when he ceased trading.• Mr Friel, legal representative for Mr Paul Chivers, informed the Committee that he had, for the past two years, been licensed as a mobile street trader to sell ice cream and other products in Finaghy, Taughmonagh and the surrounding areas.• In July of this year, he had secured a contract to trade within the Sir Thomas and Lady Dixon Park, which had necessitated the purchase of a second van. He made the point that his client provided his customers with a high standard of service, which had been reinforced within a letter of support from a local community development association, and that his business had been awarded a 5-star rating by the Council in recognition of the strict hygiene standards which he maintained. He explained that his client was seeking to expand his business to sell ice cream, confectionery and hot beverages within the car park at Shaw's Bridge, which would require the acquisition of a third van and the recruitment of another employee.• Mr Wayne Adair represented his brother, Robert Adair, who had been unable to attend the meeting. Mr Adair reported that his brother had approximately thirty years' experience of trading and that he had operated previously for twelve years in the Botanic Gardens.

	<ul style="list-style-type: none"> In addition, he held mobile Street Trading Licences in two other council areas and had achieved accreditation in recognition of his high hygiene standards. He explained that the applicant was proposing to sell locally produced ice cream and other commodities such as fruit, juices, milk shakes and hot drinks and that no illegal products would be stocked. In addition, the site would be kept clean and any rubbish would be removed at the end of each day.
1.3	A copy of the minute of that meeting is attached.

2	Key Issues
2.1	<p>After consideration, the Committee agreed that it was minded to grant to Mr Kenneth Chivers a Stationary Street Trading Licence to sell, from a van measuring 4 metres by 2 metres, ice cream, non-alcoholic beverages and confectionery from Monday to Sunday between the hours of 11.00 am and 8.00 pm in the car park at Shaw's Bridge, 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	As a consequence of that decision, and the fact that there was only one designated site available, the Committee agreed that it was minded to refuse the applications which had been submitted by Mr P. Chivers and Mr R. Adair, 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 they wished to trade was unsuitable and that there were sufficient traders trading at that location in the articles, things or services in which they wished to trade.
2.3	Accordingly, Mr P. Chivers and Mr R. Adair were notified that they 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	Mr P. Chivers and Mr R. Adair have not made any written representation to the Council in respect of this application and they have informed us that they are not appealing the Committee's decision.
2.5	Members are reminded that there is only one pitch at this site therefore once one application for a licence is granted the others will automatically be refused.

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

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

5	Recommendations
5.1	<p>The Committee must agree either to:</p> <ol style="list-style-type: none"> 1. Affirm its decision of the 16th October 2013 and grant the Licence to Mr Kenneth Chivers for a period of three years and refuse Mr P. Chivers' and Mr R. Adair's applications, or 2. Amend its decision of 16th October 2013.
5.2	Should Members uphold the decision and grant the Licence to Mr Kenneth Chivers. Mr P. Chivers and Mr R. Adair 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 2013 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 Members uphold their decision of 16th October 2013, assuming all outstanding technical matters have been dealt with, Mr Kenneth Chivers 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 P. Chivers and Mr R. Adair will be advised in writing of the final decision of the Council within 7 days and advised of their 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 its decision of 16th October 2013 the 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	Document Attached
Minutes of Committee meeting of 16 th October 2013	