

My Ref: MF/CG/

Your Ref: HD/MOH

Date: 23-10-13

Chief Executive's Department  
Democratic Services  
Belfast City Council  
City Hall  
Belfast BT1 5GS

Dear Sirs

RE: My Client: Kevin McShane  
Application to vary a Mobile Street Trading Licence to include Falls Area of the city.

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I have been consulted by Mr McShane in relation to your department's letter of 8<sup>th</sup> October 2013.

I note that the committee has indicated its intention to refuse the application on one ground only that "there existed sufficient traders within that area for the goods which you wished to trade". My client would invite the committee to revisit their preliminary view and take the following submissions into consideration.

1. The Falls Road area is an area with a large population which is currently serviced by four licenced traders only, three of whom according to my instructions are members of the same family.
2. In addition to his licence for the Falls area Mr Morelli senior obtained in August 2013 the licence to trade in the public parks of West Belfast and it is submitted it would be difficult for him to provide an adequate service to the Falls Area together with these public parks.
3. Given the size of the area and the population covered there was no evidence upon which the committee could properly conclude that four traders was a sufficient number for the Falls Road.
4. The committee failed to have adequate regard for the prohibition under European Law of anti-competition regulations and the need to ensure that no one business obtains dominance in a given market.

5. According to my instructions the restricted number of licences that have been issued fails to meet the demand of the public for the goods and services and this could lead to the proliferation of illegal ice-cream vans.
6. Mr McShane has been a licenced trader for the past five years and his intention, if granted the variation on his licence, would be to employ more staff to cover the additional area. In the current economic climate the creation of any employment in an area of deprivation such as West Belfast should be encouraged by the council rather than discouraged.

Yours faithfully

  
Michael Flanigan

DEMOCRATIC SERVICES			
SP & R	P & L	HOUSING	AUDIT
H & ES	T P	G R	COUNCIL
29 OCT 2013			
LIC	DEVEL	TRAN	
REFERENCE 43895			
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