



## Belfast City Council

<b>Report to:</b>	Licensing Committee
<b>Subject:</b>	<b>Review of a Stationary Street Trading Licence – Berry Street</b>
<b>Date:</b>	18th June 2014
<b>Reporting Officer:</b>	Trevor Martin, Head of Building Control, ext 2450
<b>Contact Officer:</b>	Stephen Hewitt, Building Control Manager, ext 2435

<b>1</b>	<b>Relevant Background Information</b>
1.1	Members are reminded that, at your meeting on 16 <sup>th</sup> October 2013, you considered separate Street Trading Licence applications from Miss Monika Szczesna and Mr Peter Robinson for a vacant designated site in Berry Street.
1.2	After consideration, the Committee granted Miss 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 from Monday to Sunday.
1.3	The annual fee for the Licence is £1017.
1.4	On being granted the Licence, Miss Szczesna had agreed to pay the Licence Fees on a monthly basis; which was £84.75 per month.
1.5	However, shortly after the Licence was granted the Department for Social Development commenced works on the redevelopment of Bank Square in January 2014 and Berry Street was utilised as an access area for the works for approximately 3 months. As a result, the street trading sites located in the area were unavailable to use.
1.6	Miss Szczesna was advised of this when she made her application. In line with Council policy, where circumstances may arise which renders a street trading pitch unsuitable when road works do not permit trading, alternative available designated sites may be offered. However, Miss Szczesna did not avail of any of those sites offered and instead she chose not to trade during the period.
1.7	The Berry Street site had been unavailable from January 2014 to March 2014 and she was not charged for her licence fee for that period. In April 2014, she was further advised that the site was now available and that she could commence trading again and that her monthly licence fees would resume.
1.8	However, Miss Szczesna did not resume trading and is currently not responding to our telephone calls, emails or letters.
1.9	She is licensed until December, 2014 and no payments have been received. As a consequence Miss Szczesna's debt is now £254.25.

<b>2</b>	<b>Key Issues</b>
2.1	The Street Trading Act (N.I.) 2001 provides that, at any time after a Street Trading Licence has been granted, the Council may, in certain circumstances, revoke a Licence.
2.2	The Act permits that a Council may revoke a Licence if it is satisfied that the licence holder has, without reasonable explanation, failed to pay any fees or charges due to the Council and where the licence holder has, without reasonable excuse, failed to avail himself to a reasonable extent of his licence.
2.3	Should Committee be of a mind to use its discretionary power to revoke Miss Szczesna's Street Trading Licence the Act requires that advance notice be given to her and that she be invited to make representations before a decision is made.

<b>3</b>	<b>Resource Implications</b>
3.1	<b><u>Financial</u></b> If these Licences are revoked there will be a loss in annual Licence Fees of £1017. However, it is anticipated that there will be sufficient interest in the site that the vacancy will be filled within a short time.
3.2	<b><u>Human Resources</u></b> None
3.3	<b><u>Asset and other Implications</u></b> None

<b>4</b>	<b>Equality and Good Relations considerations</b>
4.1	There are no equality or good relations issues.

<b>5</b>	<b>Recommendation</b>
5.1	Members are asked to decide whether:- <ol style="list-style-type: none"> <li>1. They are minded to revoke Miss Szczesna's Licence as she has, without reasonable explanation, failed to pay any fees or charges due to the Council and has, without reasonable excuse, failed to avail herself to a reasonable extent of her licence and, if so,</li> <li>2. To agree to consider the revocation of the Licence at a future meeting at which Miss Szczesna would be invited to make representation regarding her failure to pay the fees due and trade.</li> </ol>

<b>6</b>	<b>Decision Tracking</b>
<p>If you are minded to consider revoking Miss Szczesna's Licence she will be advised in writing within 7 days of her 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> <p>This representation will be considered at a subsequent meeting of the Committee.</p>	