



Belfast City Council

Report to:	Licensing Committee
Subject:	Revocation of Street Trading Licences – Fountain Lane/Fountain Street
Date:	18th June 2014
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	The Committee is reminded that, at your meeting on 19th March, you considered the revocation of two Stationary Street Trading Licences previously granted to Mr Joseph Kerr, which allow him to trade from Monday to Sunday.
1.2	The Licences are as follows: 1. Fountain Lane 45ft from its junction with Donegall Place. For the sale of confectionery, toys, clothing accessories, Halloween accessories, gift wrap, souvenirs and tour tickets. 2. Fountain Street 20ft from its junction with Wellington Place. For the sale of confectionery, jewellery, bus tour tickets, Halloween costumes and clothing accessories of a non-football related nature.
1.3	The Committee, after considering the matter, agreed that it was minded to revoke the Licence as it was satisfied that the licence holder had, without reasonable explanation, failed to pay any fees or charges due to the Council pursuant to Section 10 (1) (f) of the Street Trading Act (N.I.) 2001.
1.4	As a consequence of that decision, Mr Kerr was notified of the Committee decision and was informed that he would be permitted to make personal and written representation to Committee regarding this. To date written representation has not been received.

2	Key Issues
2.1	Members are advised that, since your meeting, all outstanding payments have now been made.
2.2	Mr Kerr has been invited to appear before Committee and make a brief presentation and to answer any questions you may have. The Committee is therefore required to hear Mr Kerr.

3	Resource Implications
	<p><u>Financial</u></p> <p>3.1 If these Licences are revoked there will be a loss in annual Licence Fees of £2034. However, it is anticipated that there will be sufficient interest in these sites that the vacancies will be filled within a short time.</p> <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>Taking into account the information presented and after considering Mr Kerr's representation, you are required to make a decision to either:</p> <ol style="list-style-type: none"> 1. Confirm your decision of 19th March and revoke the Street Trading Licence, or 2. Reverse your decision of 19th March and decide not to revoke the Street Trading Licence as Mr Kerr has now paid off the debt.
5.2	If Committee decide not to revoke the Licence, Members are asked to consider making it a requirement upon renewal that Mr Kerr must pay his Licence fee in full in advance, instead of the current Council policy of offering any applicant the opportunity to pay their fee over the term of the licence, and that any subsequent licence must be renewed annually.
5.3	If the licence is revoked, the licensee may appeal the Council's decision within 21 days of notification of that decision to the Magistrates' Court. If an appeal is lodged the Licensee may continue to operate under the terms of the existing licence until such times as the Court make a determination in relation to the appeal.

6	Decision Tracking
<p>If you confirm your decision and revoke the licence, the Licensee will be advised in writing within 7 days of their right of appeal regarding this decision. The person responsible for this action is Henry Downey, Democratic Services Officer.</p>	