



Subject:	Application for the Grant of a Stationary Street Trading Licence - Donegall Quay
Date:	17th May, 2017
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext 2435
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Restricted Reports

Is this report restricted?

Yes

No

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Some time in the future

Never

Call-in

Is the decision eligible for Call-in?

Yes

No

1.0	Purpose of Report/Summary of Main Issues
1.1	To consider a Street Trading application to trade on one of six designated sites at Donegall Quay.
2.0	Recommendation
2.1	Based on the information presented and considering any representations received, the Committee is requested to consider the application and decide whether it is minded to: <ol style="list-style-type: none">grant and approve the licence, or;grant and approve the licence with additional conditions, orrefuse the licence application, under the discretionary grounds as outlined at paragraph 3.5.
2.2	Members may attach any reasonable conditions when granting a Street Trading Licence.

2.3	When minded to refuse a licence application, the applicant must be informed that they will be permitted to make representation regarding the refusal to the Council, with such representations to be made not less than 21 days from the date of notice.
2.4	As a consequence, the actual decision to grant and refuse the licence will be considered at a meeting on a later date. There is a right of appeal to the Magistrate's Court against any refusal on these grounds.
3.0	Main Report
	<p data-bbox="272 477 427 510"><u>Key Issues</u></p> <p data-bbox="165 533 1469 633">3.1 Mr. Donal Kelly has applied to operate a guided walking tour on the history of Belfast, starting from the designated site at Donegall Quay and ending at City Hall. He proposes to operate the site from Monday to Saturday from 10.00 am to 5.00 pm.</p> <p data-bbox="165 656 1469 790">3.2 Mr. Kelly has proposed to use an 'A' frame message board as the starting point of the tour. He does not intend to use a standard street trading stall and, therefore, the 'A' frame message board does not meet the minimum standard required, as stated in the Council's Street Trading Stall Design and Trading Policy.</p> <p data-bbox="165 813 1469 913">3.3 The Department for Communities, as the landowner of the site, has met with Mr. Kelly and has agreed in principle that he can trade from the site, subject to him obtaining a Street Trading Licence.</p> <p data-bbox="165 936 1469 1037">3.4 The Street Trading Act (Northern Ireland) 2001 (the Act) places a statutory obligation on a district council to grant an application for a Street Trading Licence unless there are sufficient grounds to refuse it.</p> <p data-bbox="165 1059 1469 1137">3.5 Section 9 (1) (a) of the Act provides that the Council may, in certain circumstances, refuse an application. However most particularly, if;</p> <ul data-bbox="312 1171 1409 1294" style="list-style-type: none"> • the nature of the articles, things or services in which the applicant wishes to trade is such that their sale or supply, or their preparation for sale or supply, would adversely affect the general amenity of the area in which the applicant wishes to trade. <p data-bbox="165 1339 1469 1529">3.6 Members are advised that, in 2005, the Council agreed a Street Trading Stall Design and Trading Policy. The purpose of this Policy is to provide guidance on the minimum standard of stall design, which should be considered when deciding whether to grant to a person a Street Trading Licence. This Policy is included with each application form for each applicant to read. Below is an extract from the Policy dealing with the minimum standard of stalls which will be accepted.</p> <p data-bbox="284 1574 1409 1977">5.4 <i>It should be noted that these Design Guidelines are the Minimum Standard which will be accepted by Belfast City Council. A high quality contemporary design manufactured from 25mm (1") square steel tube with a 2mm wall thickness to give strength which is zinc plated or hot-dip galvanised to overcome corrosion problems will be acceptable. The design of stall must be fitted with canvas or heavy duty PVC fitted roof cover with scalloped edges. The roof must be pitched or domed to prevent water collection. A matching fitted 'skirt' must be attached to the counter area; this will give a professional looking appearance to the stall. Where walls are required for the stall, they must be of the same high quality material used for the fitted roof and be made to measure to enable a fitted appearance. The design must not exceed 3 metres in length and 1.5 metres in width (inclusive of wheels). All materials used must be fire retardant.</i></p>

	<p>5.5 <i>Belfast City Council may where appropriate give preference to stalls designed and constructed to a higher standard including traditional timber barrows, handcarts, tricycles or kiosks which are constructed from appropriate traditional materials, such as timber panels. These stalls must have a fitted roof or umbrella, constructed of timber panelling, canvass or heavy duty PVC with scalloped edges. The roof must be pitched or domed to prevent water collection. The design must not exceed 3 metres in length and 1.5 metres in width (inclusive of wheels). All materials used must be fire retardant.</i></p> <p>5.6 <i>In exceptional circumstances, the Council, subject to such consultation as it considers appropriate, may in particular locations consider novel alternative designs of stall which add to the colour, ambience, vibrancy etc. of the area.</i></p> <p>3.7 The application from Mr. Kelly which states that an ‘A’ Board will be used does not comply with the Councils Policy.</p> <p><u>Process</u></p> <p>3.8 The applicant has been invited to appear before Committee and make a brief presentation on matters such as how he proposes to operate and manage the site, the design of the stall and to address any concerns associated with the proposal.</p> <p>3.9 After considering representation from the applicant you will then be required to determine the application.</p> <p><u>Financial and Resource Implications</u></p> <p>3.10 If the Committee is of the mind to grant the applicant a Street Trading Licence, the fee is as follows:</p> <ul style="list-style-type: none"> • Application Fee of £100, and • A Licence fee, for Monday to Saturday £800. <p><u>Equality or Good Relations Implications</u></p> <p>3.11 There are no equality or good relations issues.</p>
<p>4.0</p>	<p>Documents Attached</p>
	<p>None</p>