



Subject:	Review of Stationary Street Trading Licences – Fountain Lane and Fountain Street
Date:	19th September, 2018
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	James Cunningham, Regulatory Services Manager, ext 3375

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

1.0	Purpose of Report/Summary of Main Issues
1.1	<p>The Committee will recall that, at your meeting on 16th May, you agreed that you were minded to revoke Stationary Street Trading Licences held by Mr. Joseph Kerr for designated sites at Fountain Lane and Fountain Street and agreed that he be invited to make representation regarding that decision. The Committee, on 15th August, agreed to defer the matter, on the basis that Mr. Kerr was on holiday and unable to attend that meeting.</p> <p>The licences are for:</p> <p>1. Fountain Lane (45ft from its junction with Donegall Place)</p>
1.2	<p>For the sale of confectionery, toys, clothing accessories, Halloween accessories, gift wrap, souvenirs and tour tickets including bus tours. The licence permits trading from Monday to Sunday from 08.00 hrs to 22.00 hrs.</p>

<p>1.3</p> <p>1.4</p> <p>1.5</p> <p>1.6</p>	<p>2. Fountain Street (20ft from its junction with Wellington Place)</p> <p>For the sale of confectionery, jewellery, bus tour tickets, Halloween costumes and accessories, toys, socks, non-alcoholic beverages, wrapping paper, cards, souvenirs, t-shirts, magnets, tea towels, key rings, mugs, lighters and clothing accessories. The licence permits trading from Monday to Saturday from 08.30hrs to 21.30hrs and on Sunday from 08.30hrs to 18.30hrs</p> <p>The Committee having considered the matter on 16th May, agreed that it was minded to revoke the Licences held by Mr. Kerr in respect of both designated sites, on the grounds that he had failed to pay his licence fees, and agreed that he be invited to make representation to the Committee regarding that decision.</p> <p>Mr. Kerr was subsequently notified of the Committee's decision but to date, no representation has been received and no payments have been made.</p> <p>The outstanding debt is currently £2,410.90</p>
<p>2.0</p>	<p>Recommendation</p>
<p>2.1</p> <p>2.2</p> <p>2.3</p>	<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. affirm your decision of 16th May and revoke either or both the Street Trading Licences, or 2. rescind your decision of 16th May and decide not to revoke the Street Trading Licences. <p>If the Committee decides not to revoke the licence, it is asked to consider making it a requirement upon renewal that Mr. Kerr must pay his Licence fee in full, 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.</p> <p>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. The Council will recover the outstanding debt.</p>
<p>3.0</p>	<p>Main Report</p>
<p>3.1</p> <p>3.2</p> <p>3.3</p>	<p><u>Key Issues</u></p> <p>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.</p> <p>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 if the licence holder has, without reasonable excuse, failed to avail himself to a reasonable extent of his licence.</p> <p>Attached is a copy of the minute of the meeting of 15th August.</p>

3.4	<p><u>Financial and Resource Implications</u></p> <p>If these Licences are revoked, there will be a loss in annual Licence Fees of £2500. 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>Equality or Good Relations Implications/Rural Needs Assessment</u></p>
3.5	There are no issues associated with this report.
4.0	Document Attached
	Minute of the Meeting of 15 th August