



Subject:	Review of Stationary Street Trading Licences - Fountain Lane and Fountain Street
Date:	17th October, 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"/>
Some time 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 or Summary of main Issues
1.1	The Committee is reminded that you agreed to defer, at your meeting of 19 September 2018, consideration of the revocation of two Stationary Street Trading Licences previously granted to Mr Joseph Kerr. The Licences are for:
1.2	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 including bus tours. The licence permits trading from Monday to Sunday from 08.00hrs to 22.00hrs.
1.3	2. Fountain Street (20ft from its junction with Wellington Place) 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>1.4</p> <p>1.5</p> <p>1.6</p> <p>1.7</p>	<p>The Committee, after considering the matter at your meeting of 16 May 2018, agreed that it was minded to revoke the Licences held by Mr Kerr in respect of both designated sites and that he be invited to make representation to the Committee regarding that decision.</p> <p>At your meeting of 19 September the Committee, having been notified that Mr Kerr was unable to attend due to adverse weather, agreed to defer the matter until its meeting in October and agreed also that officers inform Mr. Kerr of its intention to reach a final decision at that meeting and again invite him to make representation.</p> <p>Mr Kerr has been notified of the Committee decision but to date, no representation has been received and no payments have been made.</p> <p>The outstanding debt is currently £2515.06.</p>
<p>2.0</p>	<p>Recommendations</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. Confirm your decision of 16 May 2018 and revoke either or both the Street Trading Licences, or 2. Reverse your decision of 16 May 2018 and decide not to revoke the Street Trading Licences. <p>If Committee decides 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, 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>3.4</p>	<p><u>Key Issues</u> 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 from your meeting of 19 September 2018.</p> <p><u>Financial and Resource Implications</u> 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>

3.5	<u>Equality or Good Relations Implications/Rural Needs Assessment</u> There are no issues associated with this report.
4.0	Documents Attached
	Minute from Licensing Committee 19 September 2018.