



Subject:	To consider the revocation of a Stationary Street Trading Licence – Mr Joseph Kerr
Date:	20th November, 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	To consider the revocation of the Stationary Street Trading Licence for the site in Fountain Lane, which was deferred at your meeting of 17 October, to allow Mr Kerr to establish a plan for the repayment of his outstanding Licence fees.
2.0	Recommendations
2.1	Taking into account the information presented and after considering Mr Kerr's representation, you are required to make a decision to either: <ol style="list-style-type: none">1. Confirm your decision of 16 May 2018 and revoke the Street Trading Licence, or2. Reverse your decision of 16 May 2018 and decide not to revoke the Street Trading Licence.

<p>2.2</p> <p>2.3</p> <p>2.4</p>	<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.</p> <p>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>3.5</p> <p>3.6</p> <p>3.7</p> <p>3.8</p> <p>3.9</p> <p>3.10</p>	<p><u>Key Issues</u></p> <p>Committee is reminded that, at your meeting on 16 May 2018, you agreed that you were minded to revoke the Street Trading Licences held by Mr Joseph Kerr and that he be invited to make representation to the Committee regarding that decision.</p> <p>At your meeting on 17 October 2018 you considered an email submitted by Mr Kerr that afternoon and, after considering all of the facts, including that no payments had been made and that Mr Kerr owed the Council £2515.06 and the last payment made was made in August 2017, you decided to affirm the decision of 16 May 2018 to revoke the Licence for Fountain Street (20ft from its junction with Wellington Place).</p> <p>On the grounds set out in Section 10(1)(c)&(f) of the Street Trading Act (Northern Ireland) 2001, in that Mr Kerr without reasonable explanation, had failed to pay any fees or charges due to the Council and, without reasonable excuse, failed to avail himself to a reasonable extent of his Licence.</p> <p>Committee had decided on the Stationary Street Trading Licence for Fountain Street, as it was the less utilised of Mr Kerr's two sites.</p> <p>Committee is reminded that you agreed to defer, until your meeting in November, consideration of the site in Fountain Lane, to allow Mr Kerr to establish a plan for the repayment of his outstanding licence fees.</p> <p>Mr Kerr may, at any time within twenty-one days from the date on which notice of the decision was given by the Council, appeal the decision through the Magistrates' Court. To date we are not aware that Mr Kerr has lodged such an appeal in relation to Fountain Street.</p> <p>The remaining Licence is for:</p> <p>1. Fountain Lane (45ft from its junction with Donegall Place)</p> <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 08.00hrs to 22.00hrs.</p> <p>This Licence expires on 20 March 2019.</p> <p>Mr Kerr has been notified of the Committee decision, he sent us an email stating that he would pay £250 off the arrears on 28th of each month, but to date, no payment plan or any</p>

	<p>other representation has been received and no payments have been made. The outstanding debt has increased and is currently £2827.54</p> <p><u>Legislative background</u></p> <p>3.11 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>3.12 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>3.13 Attached as Appendix 1 is a copy of the minute from your meeting of 16 May 2018.</p> <p><u>Financial and Resource Implications</u></p> <p>3.14 If the Licence is revoked, there will be a loss in annual Licence Fees of £1250. However, it is anticipated that there will be sufficient interest in this site that the vacancy will be filled within a short time.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>3.15 There are no issues associated with this report.</p>
4.0	Appendices – Documents Attached
	Appendix 1 – Minute and report from Licensing Committee 16 May 2018.