



Subject:	To Consider the Revocation of a Stationary Street Trading Licence – Mr Joseph Kerr
Date:	12th December, 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 20 November 2018.
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.
2.2	

<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 renewal application fee of £150 and the Licence fee of £1,250 in full for the year before the licence is granted. A total of £1,400, 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. That is in addition to paying off the debt on this Licence.</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 take action to recover any 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><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 two Street Trading Licences held by Mr Joseph Kerr and that he be invited to make representation to the Committee regarding that decision.</p> <p><u>Fountain Street</u></p> <p>At your meeting on 17 October 2018, you affirmed the decision of 16 May 2018 to revoke the Licence for Fountain Street (20ft from its junction with Wellington Place).</p> <p>Committee decided to revoke the Licence for Fountain Street as it was the less utilised of Mr Kerr's two sites.</p> <p>Mr Kerr was advised that, at any time within twenty-one days from the date on which notice of the decision was given by the Council, he could appeal the decision through the Magistrates' Court. Mr Kerr has lodged an appeal with the Magistrate's Court Office in relation to Fountain Street, the provisional date for the hearing is 8th January 2019, the Council is still waiting on papers regarding the basis of the appeal.</p> <p><u>Fountain Lane</u></p> <p>The remaining Licence is for Fountain Lane; 45ft from its junction with Donegall Place.</p> <p>This Licence expires on 20 March 2019 and is 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>Committee is reminded that, at your meeting of 20 November, you agreed to defer consideration of the site in Fountain Lane to allow Officers to obtain further information with regard to Mr Kerr's proposed repayment plan. This was after the Licensee had sent the Council an email stating that he would pay £250 off the arrears on 28th of each month.</p> <p>Members had asked for clarity if the £250 was to service the debt or his Licence fee and debt. Mr Kerr has confirmed, via his wife, verbally, that the £250 is to service the debt and that he will start making Licence fee payments as well.</p> <p>At the time of writing this report, one payment for £354.16 has been received reducing the debt by £250 and paying the monthly licence fee for this site. The current debt is now £2,641.04. No formal payment plan has been agreed with the Council.</p>

<p>3.10</p> <p>3.11</p> <p>3.12</p> <p>3.13</p> <p>3.14</p>	<p><u>Legislative background</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 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>If the Licence is revoked, there will be a loss in annual Licence Fees of £1250.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>There are no issues associated with this report.</p>
<p>4.0</p>	<p>Appendices – Documents Attached</p>
	<p>Appendix 1 – Minute and report from Licensing Committee 16 May 2018.</p>