



Subject:	Variation of the Stationary Street Trading Licence at Castle Place opposite Donegall Arcade to allow the sale of bus tour tickets.
Date:	20th March 2019
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

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No

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If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Some time in the future

Never

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☐

Call-in

Is the decision eligible for Call-in?

Yes

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No

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1.0	Purpose of Report or Summary of main Issues
1.1	To consider an application from Mr Joseph Rea for the variation of commodities on his Street Trading Licence at the designated site in Castle Place opposite Donegall Arcade, to include the sale of bus tour tickets.
1.2	Committee is reminded that, at your meeting on the 19 September 2018, you agreed to vary the Designating Resolution to allow for the sale of bus tour tickets on condition that any resulting applications to sell bus tour tickets would be considered by the Committee and, if approved, be granted on a one-year trial basis.
2.0	Recommendations
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:

	<ol style="list-style-type: none"> 1. To grant and approve the variation to the Licence on a one-year trial basis, or; 2. Minded to refuse the variation application.
2.2	If the variation to the Licence is refused, the applicant may appeal the Council's decision within 21 days of notification of that decision to the Magistrates' Court.
3.0	Main report
	<u>Key Issues</u>
3.1	Under Section 11 of the Street Trading Act (NI) 2001, the Council may at any time vary the Conditions specified in a Street Trading Licence where an application is made under Section 5 by the Licence holder.
3.2	The Act only allows the Council to vary what the Licence holder has requested; in this case, the variation is for an additional commodity to be permitted for sale, namely, bus tour tickets.
3.3	The Act places a statutory obligation on the Council to grant an application for a Street Trading Licence unless there are sufficient grounds to refuse it.
3.4	<p>Section 9 (1) (a) of the Act sets out discretionary grounds under which a district council may refuse to grant an application.</p> <p>a. That –</p> <ol style="list-style-type: none"> i. The location at which the applicant wishes to trade as a stationary trader is unsuitable; ii. The space in the designated street in which the applicant wishes to trade as a stationary trader is inadequate for the applicant to do so without causing undue interference or inconvenience to persons or vehicles using the street; iii. The area or areas of the district in which the applicant wishes to trade as a mobile trader are unsuitable for the applicant to do so without causing undue interference or inconvenience to persons or vehicles in the area or areas; iv. There are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade; v. 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>b. That the applicant has, in connection with the application, made a statement which he knows to be false in a material particular;</p> <p>c. That the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence;</p> <p>d. That the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;</p>

	<p>e. That the applicant has at any time been granted a street trading licence by the council, which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to the council in respect of the licence;</p> <p>f. That the applicant has failed to provide the particulars required by the council to deal with the application;</p> <p>g. That the applicant has failed to provide or identify suitable or adequate arrangements for storing any articles, things or receptacles in or with which he proposes to trade.</p>
3.5	<p>Should you be of a mind to use your discretionary power to refuse to vary Mr Rea's Street Trading Licence, Section 12 of the Act requires that he be afforded the opportunity to make representations in writing relating to the proposal, which must be considered by Committee at a future date before a final decision is made on the application.</p> <p>Application</p>
3.6	Mr Joseph Rea has applied to vary his Street Trading Licence for the site in Castle Place opposite Donegall Arcade to include the sale of bus tour tickets.
3.7	Mr Rea is currently licensed to trade Monday to Saturday from 8am to 9pm and on Sunday from 10am to 6pm selling flowers, plants, floral accessories, arts and crafts, balloons and cards from a 3m by 1.5m stall.
3.8	Mr Rea is a very long standing trader and has two other Street Trading Licences both in Castle Lane selling flowers, plants, arts and crafts, floral accessories, fruit and vegetables.
3.9	Members may wish to note that Mr Rea only trades sporadically and seldom uses this site. Mr Rea trades without any other Licence infringements.
3.10	Mr Rea has been invited to appear before Committee and to make a brief presentation on matters such as how he proposes to operate and manage the sale of bus tour tickets and address any concerns associated with the proposal.
3.11	After considering representation from Mr Rea you will then be required to determine the application.
	<u>Financial and Resource Implications</u>
3.12	<p>If the Committee is of the mind to grant the applicant a variation on their Street Trading Licence, the fee is as follows:</p> <ul style="list-style-type: none"> Variation of Licence Application Fee - £100 <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p>
3.13	There are no issues associated with this report.
4.0	Appendices – Documents Attached
	None