



Subject:	Final decision on competing Stationary Street Trading Licence applications for Fountain Lane site
Date:	18 March 2020
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	Members are reminded that, at your meeting of 22 January 2020, you considered separate Street Trading Licence applications from Mr Sean Donnelly and Mr Michael Kerr for the designated site on Fountain Lane, 45ft from the junction with Donegall Place.
1.2	After hearing from the applicants and considering the applications, the Committee agreed that it was minded to grant Mr Kerr a Stationary Street Trading Licence permitting him to sell tour tickets, souvenirs and memorabilia, Special Day, Occasions and Celebration goods and accessories, jokes, toys, confectionery, cold beverages, jewellery, flags, whistles, batteries, art work, beauty and cosmetics and football merchandise on Monday to Sunday from 6.00 am to 10.00 pm on a one-year trial basis subject to the applicant providing all necessary documentation and the receipt of the appropriate licensing fees.

1.3	The result of that decision means that the single Designated Street Trading Site is taken and as such there is no suitable location for the other applicant.
2.0	Recommendations
2.1	Members must agree either to: <ol style="list-style-type: none"> 1. Uphold the initial decision of the 22 January 2020 and grant the licence to Mr Kerr for a period of 1 year and refuse the other application, or 2. Amend its decision of 22 January 2020.
2.2	If Members amend their decision of 22 January 2020 it should give the grounds for so doing and a date for a special meeting must be arranged to hear from the applicants again before making the final decision.
2.3	On granting a Licence, Members may attach any reasonable Conditions to it, if they so decide. Committee had agreed in January 2020 that the Licence would only be granted on a 1-year trial basis.
3.0	Main report
	<u>Key Issues</u>
3.1	As a consequence of agreeing that you were minded to grant the Stationary Street Trading Licence to Mr Kerr, the Committee agreed that it was minded to refuse the application which had been submitted by Mr Donnelly.
3.2	That decision was on the grounds set out in Sections 9(1) (a) (i) of the Street Trading Act (Northern Ireland) 2001, namely, that the location at which they wished to trade was unsuitable by virtue of the fact that there was only one designated site available.
3.3	Mr Donnelly has not submitted any written appeal against the decision made by Committee.
	<u>Financial & Resource Implications</u>
3.4	If the Committee grants a licence, the Street Trading Licence fee is as follows: <ul style="list-style-type: none"> • Application Fee of £150, and • A Licence fee, for Monday to Sunday, of £1250 per annum
	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>
3.5	There are no issues associated with this report.
4.0	Appendices – Documents Attached
	<ul style="list-style-type: none"> • None