



Subject:	Application for the Grant of a Stationary Street Trading Licence - Berry Street
Date:	15th September 2021
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
Contact Officer:	James Cunningham, Senior Licensing Officer, Ext. 3375

Restricted Reports

Is this report restricted?

Yes No

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

<input type="checkbox"/>
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Call-in

Is the decision eligible for Call-in?

Yes No

1.0	Purpose of Report or Summary of main Issues
1.1	The Council has received an application from Mrs Anita Cooley for a Stationary Street Trading Licence to trade at the available designated site in Berry Street, 32ft from the junction with Royal Avenue. The designation of the site is for the commodity to be determined but excluding the sale of hot food. The application complies with the designating resolution for the site. Details of the application are outlined below:
1.2	Mrs Cooley has applied to sell hot and cold non-alcoholic beverages, cold food and ice cream. The proposed times of trading are Monday to Sunday from 7.30 a.m. to 3.00 p.m., using a custom converted horsebox trailer measuring 3.15m by 2m, with a 0.4m overhanging hatch door. Photographs of the trailer are attached at Appendix 2.

1.4	Mrs Cooley has not previously held a Street Trading Licence with Belfast City Council and has been invited to attend the meeting.
2.0	Recommendations
2.1	<p>Based on the submission presented and considering any amendments to the application, the Committee is requested to consider the application and decide whether:</p> <ol style="list-style-type: none"> 1. To grant and approve the Licence to Mrs Anita Cooley; or 2. To grant and approve the Licence to Mrs Anita Cooley with additional Conditions, or; 3. It is minded to refuse the Licence application, under the discretionary grounds as outlined at paragraph 3.3 below.
2.2	Members may attach any reasonable Conditions when granting a Street Trading Licence.
2.3	When minded to refuse a licence application, the applicant must be informed that they will be permitted to make representation regarding the refusal to the Council, with such representations to be made not less than 21 days from the date of notice.
2.4	As a consequence, the actual decision to refuse the Licence will be considered at a meeting on a later date. There is a right of appeal to the Magistrate's Court against any refusal on these grounds.
3.0	Key Issues
3.1	The Street Trading Act (Northern Ireland) 2001 (the Act) places a statutory obligation on a district council to grant an application for a Street Trading Licence unless there are sufficient grounds to refuse it.
3.2	Section 8 of the Act sets out circumstances in which an application must be refused, however there are no such grounds of refusal applicable to this licence application.
3.3	<p>Section 9 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;

- b. That the applicant has, in connection with the application, made a statement which he knows to be false in a material particular;
- c. That the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence;
- d. That the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;
- 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;
- f. That the applicant has failed to provide the particulars required by the council to deal with the application;
- 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.

There is a right of appeal to the Magistrate's Court against any refusal on these grounds.

Stall Size

- 3.4 The overall size of the stall 3.15m by 2.4m is larger than a normal City centre street trading pitch, which is 3m by 1.5m as stated at section 5.4 of the Council's Stall Design Policy.
- 3.5 Members are, however, advised that Section 5.9 of that Policy allows in any individual case, and for whatever reason, that Committee may decide to grant a design which varies from the agreed Policy and that such a decision would not be taken to have created any kind of precedent in respect of future applications. The Committee has previously granted licences for larger pitch sizes at 3 different locations within the City centre.

Consultation

- 3.6 The PSNI, DfI Roads Service and Belfast City Centre Management were consulted regarding this proposal as the site has been vacant for a number of years. Their responses are attached at Appendix 1.

Police Service of Northern Ireland

- 3.7 The police Service has no objection.

DFI Roads

- 3.8 The Department has no objection. It highlights that patrons queuing at the stall will cause an obstruction of footway, due to the density of pedestrians expected during its hours of operation.

Belfast City Centre Management

- 3.9 BCCM is concerned that a stall selling food will be in direct competition with established businesses in the area who provide similar commodities.

- 3.10 Members may wish to note that BCCM carried out neighbourhood consultation but did not receive any formal replies from businesses in the area. It has based its response on previous consultations and responses from businesses.

3.11	BCCM also commented that the aesthetics of any new street trading stall or trailer is something that should be taken into consideration.
3.12	Berry Street is an area which has undergone extensive public realm improvements in recent years, and this has greatly enhanced the appearance of the area. BCCM believes that a high standard of appearance would ensure the proposed trailer adds to the aesthetics of the area, as opposed to detracting from it.
3.13	Committee may wish to note that there are two outlets close by selling similar commodities.
<u>Financial and Resource Implications</u>	
3.14	<p>If the Committee grants a Licence, the Stationary Street Trading Licence fee is as follows:</p> <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>	
3.15	There are no issues associated with this report.
4.0	Documents Attached
<ul style="list-style-type: none"> • Appendix 1a to 1c - Consultation responses from PSNI, DfI Roads Service and Belfast City Centre Management • Appendix 2 – Photographs of the trailer/stall 	