



Subject:	Final decision on competing Stationary Street Trading Licence applications for Donegall Square East
Date:	18 October 2023
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 checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	Members are reminded that, at your meeting of 16 August 2023, you considered separate Street Trading Licence applications from Mr Patrick McCafferty and Mr Christopher Hamill for the designated site in Donegall Square East at Centra.
1.2	After hearing from the applicants and considering the applications, the Committee agreed that it was minded to grant Mr McCafferty a stationary Street Trading Licence to sell hot food and non-alcoholic beverages from a hot food trailer from Monday to Sunday from 10.00 p.m. to 3.00 a.m.
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	<p>Members must agree either to:</p> <ol style="list-style-type: none"> 1. Uphold the initial decision of the 16 August 2023, grant the licence to Mr McCafferty and refuse the other application on the grounds set out in paragraph 3.2, or 2. Amend its decision of 16 August 2023.
2.2	<p>If Members amend their decision of 16 August 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.</p>
2.3	<p>On granting a Licence, Members may attach any reasonable Conditions to it, if they so decide.</p>
3.0	Main report
	<p><u>Key Issues</u></p> <p>3.1 As a consequence of agreeing that you were minded to grant the Stationary Street Trading Licence to Mr McCafferty, the Committee agreed that it was minded to refuse the application which had been submitted by Mr Hamill.</p> <p>3.2 That decision was on the grounds set out in Sections 9(1) (a) (i) and (iv) of the Street Trading Act (Northern Ireland) 2001, namely, that the location at which the applicant wishes to trade as a stationary trader was unsuitable by virtue of the fact that there was only one designated site available and 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.</p> <p>3.3 As required under the Act, when the Council is 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.</p> <p>3.4 Having informed Mr Hamill of this he has subsequently emailed the Service stating he will not appeal against the decision and does not wish to avail of the opportunity to make representation to the Committee.</p> <p>3.5 A copy of his email is attached as an appendix to this report.</p> <p><u>Financial & Resource Implications</u></p> <p>3.6 If the Committee grants a licence, the 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 <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>3.7 There are no issues associated with this report.</p>

4.0	Appendices – Documents Attached
	<ul style="list-style-type: none"><li data-bbox="319 246 758 291">• Copy of email from Mr Hamill.