



Subject:	Consideration of applications for Temporary Street Trading Licences.
Date:	20 th May, 2015
Reporting Officer:	Trevor Martin, Head of Building Control, Ext 2450
Contact Officer:	Stephen Hewitt, Building Control Manager, Ext 2435

Is this report restricted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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 two Temporary Street Trading Licence applications from Mr Daniel Hennessey of Sense Marketing Limited who are acting on behalf of The Economist magazine.
1.2	Mr Hennessey proposes to operate one coffee tricycle measuring 2.4m by 1.2m at Castle Place junction outside Barclays Bank on 28 th May 2015 from 7.30am to 3.30pm and a second coffee tricycle at Great Victoria Street near the junction with Glengall Street at the same time.
1.3	Mr Hennessey will hand out complimentary coffee and information leaflets to members of the public in order to promote The Economist magazine and then attempt to sell a subscription for the magazine to the members of the public.
1.4	Sense Marketing Limited has been informed that they will be required to apply for a permit from Cleansing Services to hand out leaflets in these areas under the Distribution of Free Printed Matter (Belfast) Designation Order 2012. At the time of writing this report no application has been received by Cleansing Services.
1.5	Copies of the proposed sites are attached as Appendices 1 and 2.
2.0	Recommendations
2.1	Members are asked to decide whether to:- <ol style="list-style-type: none">1. Grant and approve one or both licences, or2. Grant and approve one or both licences with additional conditions, or3. Refuse one or both licences.
2.2	Members may attach any reasonable conditions when granting a licence.

2.3	If the application 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
	<p data-bbox="260 365 416 387"><u>Key Issues</u></p> <p data-bbox="153 432 1445 521">3.1 Section 14 of the Street Trading Act (N.I.) 2001 permits the Council to issue a Temporary Licence where a full-term licence may not be appropriate, for example, for special events such as festivals, fairs, etc.</p> <p data-bbox="153 566 1445 656">3.2 In recognition of the possibility that applications may need to be processed quickly and because of the ad-hoc nature of the events for which a Temporary Licence is designed to cater the wording of the legislation permits a wide degree of discretion to the Council.</p> <p data-bbox="153 701 1445 768">3.3 The Council is given the discretion to allow trading at any place or in any manner and has the discretion to permit trading in such goods or services as it wishes.</p> <p data-bbox="153 801 1445 925">3.4 Under the Act the Council is required to develop criteria for making decisions on applications for a Temporary Licence. The Council is free to set the criteria it considers appropriate, for example, the types of occasions/events, the types of trading, the size/number of stalls, the positioning of stalls, etc.</p> <p data-bbox="153 969 1445 1059">3.5 Members are advised that the Council, through the former Health and Environmental Services Committee, had previously agreed a Policy in 2001 with respect to the granting of Temporary Licences. A copy of the Policy is attached as Appendix 3.</p> <p data-bbox="153 1104 1445 1227">3.6 The Council may also attach any Conditions it considers appropriate to the grant of a Temporary Licence. These may be similar to those which the Council might attach to a full term licence but the Act allows the freedom to respond to the special nature of such licences with different rules.</p> <p data-bbox="153 1272 1445 1328">3.7 A Temporary Licence cannot be granted for a period exceeding 7 days and the Council can issue no more than five Temporary Licences to any person in any year.</p> <p data-bbox="153 1373 1445 1429">3.8 The application has been assessed against the Council's Temporary Street Trading Policy and Members are advised that it does not fully comply with it, in that:</p> <ol data-bbox="260 1473 1445 1664" style="list-style-type: none"> <li data-bbox="260 1473 1445 1529">1. The Temporary Street Trading Policy time period requires that applications must be received not less than 42 days before the date of the first day of the proposed event. <ul data-bbox="323 1574 1445 1664" style="list-style-type: none"> <li data-bbox="323 1574 1445 1597">• The application was received on 21st April 2015, 38 days before the event. <li data-bbox="323 1608 1445 1664">• The 42 day period is a minimum amount of time required and is particularly important if there are objections which need Committee consideration. <p data-bbox="153 1709 1445 1765">3.9 However, the Council may consider such applications for Temporary Street Trading where this time period cannot be complied with.</p> <ol data-bbox="260 1809 1445 1977" style="list-style-type: none"> <li data-bbox="260 1809 1445 1899">2. Applications to permit Temporary Street Trading are normally at special events such as Christmas Lights Switch-on, New Year's Eve, Halloween Events, Festival & Civic Events, Community Organised Events and Cultural Parades/Events. <ul data-bbox="323 1944 1445 1977" style="list-style-type: none"> <li data-bbox="323 1944 1445 1977">• This application is not connected to any such event.

3.10	However, the Policy allows for Temporary Street Trading which adds colour, ambience, novelty and/or tradition in particular locations and/or may consider such applications in the context of seasonal/festive periods.
3.11	<p>In determining the suitability of each Temporary Street Trading Licence, 5.7 in the Policy allows the Council to take into account:</p> <ul style="list-style-type: none"> (a) The safety of the public and any risks which may arise. (b) The appropriateness and suitability of the street or part thereof and commodities in relation to the location. (c) The potential adverse impact that Temporary Street Trading may have upon the character and appearance of the area in question. (d) The extent to which the sale of the commodity will provide a useful service to the event or occasion not otherwise provided in the area; (e) The potential environmental effects such as additional litter, cleansing requirements, odour and noise. (f) The potential for the proposed said Temporary Street Trading Licence to have an adverse effect in terms of anti-social behaviour and public disorder. (g) Any other Statutory provision which would be appropriate to consider; (h) Previous complaints arising from any Street Trading activities in that street or part thereof. (i) The conditions pertaining to the event e.g. road closures, provision of marshals, off-street activities and venues, numbers of persons anticipated and age profile. (j) The number of Temporary Street Trading Licences already granted for a street or part thereof for a specified period and adequacy in the context of the commodity or service proposed to be offered. <p><u>Consultation</u></p>
3.12	DRD Transport N.I. has been consulted and has no objection to the applications.
3.13	The PSNI have been consulted and their response is outstanding at present.
3.14	Belfast City Centre Management has been consulted and they have concerns regarding the Castle Place location and the proximity to the Coffee Kiosk.
3.15	Mr Russell Bailie, who holds the Stationary Street Trading Licence for the coffee kiosk at Castle Place junction, was formally consulted.
3.16	Mr Bailie has verbally objected to the Temporary Licence application for 28 th May 2015. He believes a coffee tricycle handing out complimentary coffee near his street trading site will affect his normal business on that day. Mr Baillie has been asked to put this objection in writing; at the time of writing this report no written objection has been received. Mr Bailie has been invited to attend Committee.
	<u>Applicant</u>
3.17	The applicant, Mr Hennessey has been invited to appear before Committee, to answer any queries you may have in relation to the application.
	<u>Financial & Resource Implications</u>
3.18	None
	<u>Equality or Good Relations Implications</u>

3.19	There are no equality or good relations issues.
4.0	Documents Attached
4.1	Appendix 1 – Map for proposed Castle Place site Appendix 2 – Map for proposed Great Victoria site Appendix 3 – Temporary Street Trading Policy