

entertainment might be provided on Monday to Saturday to 2.00 am the following morning and from midnight to 1.00 am on Sunday.

Application for the Renewal of a Stationary Street Trading Licence - Cornmarket

The Committee considered the undernoted report:

“1 Relevant Background Information

1.1 Mr. V. Wilkinson has applied to renew his Stationary Street Trading Licence for the designated site in Cornmarket, outside BHS.

1.2 Mr Wilkinson wishes to sell shirts, scarves, badges, hats, flags, pictures and mugs all of a soccer and George Best theme. He also wishes to sell batteries, lighters, wrapping paper, greeting cards, umbrellas, toys, tour tickets, boxer shorts, socks, gift bags, St Patrick’s Day and Pride Day hats, flags, whistles and necklaces.

1.3 Mr Wilkinson proposes to use his current trailer measuring 3m x 1.5m.

1.4 His proposed hours of operation are as follows:

- **Monday to Saturday 11.00 a m to 5.00 p m**

1.5 Mr Wilkinson has held the licence at this site since 3rd January 2014 and traded for many years as an employee of the previous licensee, Mr John Tyrrell.

1.6 However, since the licence was granted to Mr Wilkinson he has, on a significant number of occasions, breached his Licence conditions which have resulted in formal action. Some examples of these are detailed below.

1.7 During routine licence inspections on 12th March 2014, 19th June 2014 and 24th August 2014, it was observed by council officers that Mr Wilkinson’s trailer had been left on site after the permitted hours of trading. The Terms and Conditions of a Street Trading Licence state that units must be removed from the area after trading has finished.

1.8 On each of those occasions, Mr Wilkinson was spoken to about the offences and a warning letter was sent to him informing him that, if he continued to leave the trailer on the site in breach of his licence, the Council would have no other option but to remove and store the trailer at a suitable location and that he would incur the cost of this enforcement action.

- 1.9 At a subsequent inspection, on 7th September 2014, Mr Wilkinson's trailer was again observed to be on site after the hours of trading at approximately 10.00 p m. His trailer was, therefore, removed from the area, as permitted under Section 23 of the Act. As a result, he had to pay the £200 costs incurred by the Council to have a recovery company remove and store the trailer. The trailer was returned to Mr Wilkinson after payment was made.
- 1.10 On 14th November 2014 and 16th November 2014, it was again observed by Council Officers that Mr Wilkinson's trailer had been left on site after the hours of trading. Mr Wilkinson was spoken to about the offences and a further warning letter was sent to him advising that if he continued to leave the trailer on site that it would be removed as before.
- 1.11 On 19th December 2014 Mr Wilkinson's trailer was again observed by Council Officers to be on site at approximately 10.30pm, some 5 hours after the permitted hours of trading. The trailer was removed from the area and Mr Wilkinson had to again pay the £200 costs incurred by the Council to have a recovery company remove and store the trailer. The trailer was duly returned to him after payment was made and he was given a final warning that any future breaches of his licence conditions may result in legal proceedings against him and the revocation of his Street Trading Licence.
- 1.12 Given these continued licence infringements, it is deemed appropriate for Committee to consider Mr Wilkinson licence renewal application.

2 Key Issues

- 2.1 The Street Trading Act (Northern Ireland) 2001 places a statutory obligation on the Council to grant an application for a Street Trading Licence unless there are sufficient grounds to refuse it.
- 2.2 Section 9 of the Act sets out discretionary grounds under which the Council may refuse to grant an application.
- 2.3 Section 9 (1)(c) states that a Council may refuse a licence if it is satisfied that the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a Street Trading Licence.
- 2.4 Should Committee be of a mind to use its discretionary power to refuse Mr Wilkinson's Street Trading Licence, Section 12 of

the Act requires advance notice be given to Mr Wilkinson and that he be invited to make representations.

3 Resource Implications

3.1 Financial

If the Committee grants a licence, the Street Trading Licence fee is as follows:

- Application Fee of £100, and
- A Licence fee, for Monday to Saturday, of £800 per annum.

3.2 Human Resources

None.

3.3 Asset and Other Implications

None.

4 Equality Implications

4.1 There are no equality or good relations issues.

5 Recommendations

5.1 The Committee is requested to decide whether:-

- 1. it is minded to refuse Mr Wilkinson's Licence as he is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a Street Trading Licence and, if so,**
- 2. to agree to consider the refusal of the Licence at a future meeting at which Mr Wilkinson would be invited to make representation regarding his misconduct."**

Accordingly, the Committee agreed, in its capacity as Licensing Authority, that it was minded to refuse the application submitted by Mr. Wilkinson for the renewal of a Stationary Street Trading Licence for Cornmarket, on the discretionary grounds as set out in Section 9 (1) (c) of the Street Trading Act (Northern Ireland) 2001, in that he was, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a Street Trading Licence; and as such Mr Wilkinson would be invited to a future meeting at which he could make representations in relation to the proposed refusal of his renewal application.

Chairman