

<b>Licensing Unit.</b> <b>Building Control Service</b> <b>Health &amp; Environmental Services</b>  <b>Temporary Street Trading Policy</b>	Procedure Page No. Edition/Issue No. Issue Date Reference: Service:	ST Temp Licence 1 of 4 1/1 1 <sup>st</sup> Nov 2001 JC Building Control
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## **1 Purpose**

By virtue of Section 14 of the Street Trading Act (Northern Ireland) 2001 the Council may grant to a person a Temporary Licence authorising him to engage in Street Trading in a street or part thereof in its District.

The purpose of this Policy is to provide guidance on matters which should be considered when deciding whether to grant to a person a Temporary Street Trading Licence. Its aim is to provide, insofar as is possible, consistent decision making so as to develop and thereafter maintain public confidence in Belfast City Council's performance of its duties.

## **2 Scope**

This Policy is intended to ensure that Belfast City Council Members and Officers are aware of those matters to be taken into consideration when determining whether to grant a Temporary Licence.

## **3 References**

3.1 Street Trading Act (Northern Ireland) 2001.

3.2 Guide to the Street Trading Act (Northern Ireland) 2001.

## **4 Background**

The Street Trading Act (Northern Ireland) 2001 enables District Councils to regulate Street Trading through designating, licensing and enforcement procedures. The Act received Royal Assent on the 5<sup>th</sup> April 2001, with a run in period of 6 months and becomes operative on the 1<sup>st</sup> October 2001. The new Act repealed most of the provisions of the 1929 Street Trading (Regulation) Act, except Section 10 which contains the provisions whereby Market Rights can be acquired or extinguished.

Section 14(5) of the Act requires the City Council to formulate, and make available to any person on request, criteria with respect to the granting of Temporary Street Trading Licences by it under this Section and requires that the City Council have regard to those criteria when considering whether to grant a Temporary Street Trading Licence.

## **5 General Principles**

- 5.1 Each case must be considered on its own merits, but there are general principles that apply in all cases. The duty of Belfast City Council is to make sure that each Temporary Street Trading Licence application is fairly and objectively assessed and that all relevant factors are considered.
- 5.2 Belfast City Council will consider applications to permit Temporary Street Trading at special events organised within the City Council Area. The City Council will determine each case in light of the prevailing circumstances and relevant information made available to it. Events in the nature of the Lord Mayors Parade, Christmas Lights Switch-on, New Years Eve, Halloween Events, Festival & Civic Events, Community Organised Events and Cultural Parades/Events may be treated as special events for the purposes of the Street Trading Act (NI) 2001.
- 5.3 In circumstances other than those referred to in Paragraph 5.2 the Council subject to appropriate consultation with relevant parties, may consider applications to permit 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.
- 5.4 Applications must be received by Belfast City Council not less than 42 days before the date of the first day of the proposed event. Belfast City Council may consider such applications for Temporary Street Trading where this time period cannot be complied with.
- 5.5 Belfast City Council will consult with -
  - (a) The District Commander of the Police District Command Unit in which the streets are situated;
  - (b) The Department for Regional Development as regards that Department's functions with respect to roads and regulation of road traffic;
- 5.6 The Council may also consult other persons, as it considers appropriate. Such Consultees may include the following:
  - (i) The organiser or organising committee of the specified event.
  - (ii) Belfast Chamber of Trade and Commerce.
  - (iii) Belfast City Centre Management
  - (iv) Nearby Street Trading Licence holders who may be affected.
  - (v) Business and Commercial premises in the vicinity of the site in respect of which the application has been received.
  - (vi) N.I. Ambulance Service and /or other Emergency Services.
  - (vii) National Market Traders Federation.

5.7 Without prejudice to its right to take account of any relevant consideration in determining the suitability of each Temporary Street Trading Licence, the Belfast City Council will take into account:

- (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.

5.8 This policy may be considered, amended or replaced at any time without any further requirement to consult other parties.