

Minute of Meeting of Licensing Committee

16th September, 2015

Competing Applications for the Grant of a Stationary Street Trading Licence – Boucher Crescent

The Committee was advised that competing applications had been received from two persons wishing to trade from a designated site in Boucher Crescent, which had become vacant following the cancellation of his Street Trading Licence by the current licensee. The Head of Building Control reviewed the applications, one of which had been submitted by Ms. K. Finn, who had applied to sell, from a hot food trailer measuring 5.5 metres by 2.15 metres, hot food and non-alcoholic beverages from Monday to Saturday between the hours of 9.00 a.m. and 6.00 p.m. He explained that, whilst the applicant was not registered currently as a food business and had not obtained accreditation under the Food Hygiene Rating Scheme, she had, in the past, held Temporary Street Trading Licences which had permitted her to trade at parades taking place on 12th July. On those occasions, her business had been inspected and approved by the Council's Environmental Health Service.

The second applicant, namely, Mr. C. Hamill, was seeking to sell, from a hot food trailer measuring 6 metres by 2.2 metres, hot food and non-alcoholic beverages from Monday to Saturday between the hours of 7.00 a.m. and 4.00 p.m. Mr. Hamill operated currently within the car park of the B&Q premises on the Boucher Road, however, he had been informed by the operator that that premises was due to close and that he would no longer be permitted to trade there. The Head of Building Control pointed out that Mr. Hamill's business was registered currently by the Council and that it had been given a 5* food hygiene rating. He confirmed that the applicants had been invited to outline to the Committee their proposals for the site and Mr. Hamill, who had availed of the opportunity, was welcomed by the Chairperson.

Mr. Hamill informed the Members that he had been trading for six years in the car park of the B&Q premises on the Boucher Road. However, as that business would cease trading early in 2016, he was required to find an alternative site, which had necessitated the submission of his application to the Council. He pointed out that his business was registered currently by the Council and that it had attained a 5* food hygiene rating and stressed that the vacant designated site on the Boucher Road would offer a suitable alternative to his current site and secure his means of income.

After discussion, it was

Moved by Councillor Attwood,
Seconded by Councillor Campbell and

Resolved – That the Committee agrees, in its capacity as Licensing Authority, that it is minded to grant to Mr. C. Hamill a Stationary Street Trading Licence permitting him to sell, from a hot food trailer measuring 6 metres by 2.2 metres, hot food and non-alcoholic beverages from Monday to Saturday between the hours of 7.00 a.m. and 4.00 p.m., at a site which has been designated previously for the sale of those commodities, on the basis that his business was registered currently by the Council and held a 5* food hygiene rating and that it could continue to operate only through the acquisition of an alternative site, subject to:

- (i) the applicant providing all necessary documentation; and
- (ii) the receipt of the appropriate licensing fees.

As a consequence of the decision to grant the Licence to Mr. Hamill and the fact that there was only one designated site available, the Committee agreed that it was minded to refuse the application which had been submitted by Ms. K. Finn, 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 she wished to trade was unsuitable and that there were sufficient traders trading at that location in the articles, things or services in which she wished to trade.

The Head of Building Control informed the Members that the unsuccessful applicant would be advised that, in accordance with Section 12 (2)(b) of the Street Trading Act (Northern Ireland) 2001, she would be permitted to make written representation to the Council within twenty-one days from the date of notice.