



Subject:	Applications for the Grant and Renewal of Stationary Street Trading Licences - Fountain Lane and Fountain Street
Date:	16th March, 2016
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/Summary of main Issues
1.1	To consider applications for the Grant and Renewal of two Stationary Street Trading Licences from Mr. Joseph Kerr for the following locations: <u>Grant Application</u> 1. Fountain Lane (45ft from its junction with Donegall Place)
1.2	Mr. Kerr has applied to sell confectionery, toys, clothing accessories, Halloween accessories, gift wrap, souvenirs and tour tickets including bus tours. He proposes to use a traditional market stall, measuring 3 metres by 1.5 metres, and to trade from Monday to Sunday from 0800 hrs to 2200 hrs.
1.3	Members should note that Mr Kerr was the previous licensee for this site and the licence expired on 4 th October 2015. Despite several renewal reminders being sent to Mr Kerr, he submitted his application late on 4 th December 2015 and, as a consequence, there is no subsisting licence. Mr. Kerr has, therefore, had to make a grant application which has meant that he hasn't been able to trade from the site. <u>Renewal application</u> 2. Fountain Street (20ft from its junction with Wellington Place)
1.4	The application relates to the sale of confectionery, jewellery, bus tour tickets, Halloween costumes and accessories, toys, socks, non-alcoholic beverages, wrapping paper, cards, souvenirs, t-shirts, magnets, tea towels, key rings, mugs, lighters and clothing accessories. Mr. Kerr proposes to use a traditional market stall, measuring 3.66 metres by 1.83 metres, and to trade from Monday to Saturday between 0830hrs to 2130hrs and Sunday 0830hrs to 1830hrs.

1.5	The current licence expired on 19 th January 2016. However, Mr. Kerr submitted his renewal application on 18 th January 2016, therefore there is a subsisting licence in place and Mr. Kerr has been able to continue trading under the terms and conditions of the previous licence, while he waits on the renewal application being determined.
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2.0	Recommendations
2.1	<p>Taking into account the information presented and any representations received you are required to make a decision to either:</p> <ol style="list-style-type: none"> 1. grant and approve each of the licences, or 2. grant and approve each of the licences with additional conditions, or be 3. minded to refuse all or any of the applications.
2.2	The Committee may attach any reasonable conditions it considers appropriate when granting a Stationary Street Trading Licence.
2.3	When minded to refuse a licence application, the applicant must be informed that he 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.
2.4	As a consequence, the actual decision to grant and refuse the licences will be considered at a meeting on a later date. There is a right of appeal to the Magistrate's Court against any refusal on these grounds.

3.0	Main report
	<u>Key Issues</u>
3.1	The annual fee for a Stationary Street Trading Licence (Monday to Sunday) is £1017 for the first year and £762 per annum for the subsequent two years.
	<u>Previous Licence Applications and Arrears</u>
3.2	On being granted the original licences for the respective sites, Mr. Kerr had agreed to pay the licence fees on a monthly basis by direct debit; which is £80.51 for each licence for the first year then £60.32 for the second and third year.
3.3	From 2009 to 2011, Mr Kerr made regular payments towards his licences but in 2012 he failed to make any payments and consequently fell into arrears.
3.4	In order to allow Mr. Kerr the opportunity to pay the outstanding amount, his Fountain Lane licence was renewed in October 2012 and his Fountain Street Licence was renewed in January 2013.
3.5	However, in January 2013 Mr Kerr paid £84.75 and a further £100 in August 2013 but made no further payments despite the invoices being sent by the Council's Central Transactions Unit.

3.6	Mr Kerr then agreed a repayment plan with the Council's Central Transactions Unit in June 2013 to pay off the arrears at £100 per month. However, he did not adhere to this payment plan as no further payments were received. As a consequence, Mr Kerr's debt increased to £2,442.
3.7	Members may be aware that the Licensing Committee previously considered the applications for these sites at Fountain Lane and Fountain Street for the non-payment of the licence fee and increased debt of £2442 at their meeting on 19 th March 2014.
3.8	At their meeting, the Committee agreed that it was minded to revoke the Stationary Street Licences held by Mr Kerr in respect of the designated sites and further agreed to invite him to make representation to the Committee regarding its decision.
3.9	The applications were subsequently reconsidered by the Licensing Committee at their meeting on the 18 th June 2014 and after being informed that Mr Kerr had paid the outstanding licence fees, the Committee agreed to rescind their March decision and not to revoke the Street Trading Licences held by Mr Kerr for Fountain Lane and Fountain Street. The minute from that meeting is attached at Appendix 1.
	<u>Further Arrears</u>
3.10	However, between June 2014 and December 2015, Mr. Kerr once again proceeded to build up licence fee arrears of £762.
3.11	A meeting was duly organised with Officers of the Service in October 2014 to discuss the issues and circumstances as to why the arrears had accumulated, however Mr Kerr did not attend. Another meeting was organised for later that month and again Mr Kerr did not attend and no explanation was offered.
3.12	Officers also wrote to Mr. Kerr on 6 th November 2014, 7 th May 2015, 25 th August 2015, 15 th September 2015, 27 th October 2015 and 18 th November 2015 regarding the renewal of his Street Trading Licence and the licence fee arrears.
3.13	However, these arrears were eventually paid in December 2015, when Mr Kerr applied for the grant of the Fountain Lane Licence.
	<u>Applicant</u>
3.14	Members should note that during this time, Mr Kerr did not respond to any of the correspondences from the Officers.
3.15	Members are advised that Mr Kerr has submitted a letter with his applications, which is attached at Appendix 2.
3.16	The letter states that Mr Kerr was in a car accident for which he sustained injuries from and that his van was also damaged in the incident and as a result, was off the road to be repaired. Mr Kerr further advises that his mother was in hospital following two heart attacks and that he now has to look after her and his disabled sister.
3.17	Mr. Kerr also claims that this is the first time he has been late in applying for a renewal of a Street Trading Licence.
3.18	When Mr. Kerr's licence for Fountain Lane was due for renewal in October 2012, he was sent a total of three renewal reminder letters on 20 th August 2012, 2 nd November 2012 and 18 th December 2012. However, despite these reminders, an application was only received on 5 th April 2013.

3.19	The Street Trading Act (Northern Ireland) 2001 (the Act) places a statutory obligation on a district council to grant an application for a Street Trading Licence unless there are sufficient grounds to refuse it.
3.20	<p>Section 9 (e) of the Act provides that the Council may, in certain circumstances, refuse an application where</p> <p><i>“the applicant has at any time been granted a street trading licence by the council, which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to the council in respect of the licence”.</i></p>
3.21	<p>Should Members be of the mind to use your discretionary power not to grant or renew Mr. Kerr’s Street Trading Licences, the Act requires that advance notice be given to him and that he be invited to make representations before the final decision is made.</p> <p><u>Financial and Resource Implications</u></p>
3.22	<p>If the Committee grants a Street Trading Licence, the fee is as follows</p> <ul style="list-style-type: none"> • an application Fee of £100 per licence, and • a Licence fee per site, trading Monday to Sunday, of £1017 per annum. <p><u>Equality or Good Relations Implications</u></p>
3.23	There are no equality or good relations issues.

4.0	Documents Attached
	<p>Appendix 1 – Minute of meeting of 18th June, 2014</p> <p>Appendix 2 – Letter from Mr. Kerr</p>