



Subject:	Application for the Grant of a Mobile Street Trading Licence – Poleglass and Twinbrook Areas
Date:	19th October, 2016
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext 2435
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, Ext 6446

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 an application for the grant of a Mobile Street Trading Licence from Mr. Nicholas Rules to cover the Poleglass and Twinbrook areas of the City for the sale of groceries, confectionery, non-alcoholic beverages and tobacco products
1.2	Mr Rules has applied to operate the mobile shop from Monday to Sunday between the hours of 2.00 pm and 10.00 pm using a Ford Iveco van.
1.3	The Committee is also advised that, in August 2015, Belfast City Council carried out a test purchasing operation for tobacco sales regarding a person under the age of 18 at the van shop owned by Mr Rules.
1.4	The operation resulted in the display of cigarettes to a person under the age of 18, which is an offence under the Tobacco Advertising and Promotion Display Regulations (Northern Ireland) 2012 and also the sale of cigarettes to a person under the age of 18, which is contrary to the Children's and Young Persons (Sale of Tobacco etc.) Regulations (Northern Ireland) 2008.
1.5	As a result of the offences, Mr. Rules was prosecuted at Laganside Courts in March, 2016. He was fined £50 for the sale of cigarettes to a person under the age of 18 and fined a further £50 for the display of cigarettes to a person under the age of 18. He was also ordered to pay £69 Court costs.
2.0	Recommendations
2.1	Taking into account the information presented and any representations received the Committee is requested to consider the application and decide to: <ol style="list-style-type: none">1. grant and approve the licence, or2. grant and approve the licence with additional conditions, or3. refuse the application.

2.2	Members may attach any reasonable conditions when granting a licence.
2.3	Should you be of a mind to refuse the application, you are required to advise the applicant of your intention to do so.
2.4	If the application is subsequently 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
3.1	<p><u>Key Issues</u></p> <p>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.</p> <p>3.2 However, Section 9 of the Act provides that the Council may, in certain circumstances, refuse an application if the applicant is on account of misconduct or some other reason relating to trading activities, unsuitable to hold a Street Trading Licence.</p> <p><u>Consultations</u></p> <p>3.3 Transport NI and the PSNI have been consulted and both have confirmed that they have no objection to the application. Copies of their respective correspondences are attached.</p> <p><u>Financial and Resource Implications</u></p> <p>3.4 If the Committee grants a Mobile Street Trading Licence to Mr Rules, the fee is as follows:</p> <ul style="list-style-type: none"> • Application Fee of £120, and • A Licence fee, for Monday to Sunday, of £882 per annum. <p><u>Equality or Good Relations Implications</u></p> <p>3.5 There are no equality or good relations issues associated with this report.</p>
4.0	Documents Attached
	Transport NI and PSNI comments.