

Subject:		Application for the grant of a Stationary Street Trading Licence - Lombard Street					
Date:		10th November, 2016					
Reporting Officer:		Stephen Hewitt, Building Control Manager, ext 2435					
Contact Officer:		Patrick Cunningham, Assistant Building Control Manager, ext 6446					
Is this report restricted		d?	Yes		No	Х	
Is the decision eligible		e for Call-in?	Yes		No	X	
1.0	Purpose of Pe	eport/Summary of main Issues					
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1.1	To consider an application from Mr. Tiarnan O'Kane for the grant of a Stationary Street Trading Licence for a designated site in Lombard Street, at its junction with Rosemary Street, for the sale of telecommunication products and services, namely Talk Talk home phone and broadband.						
1.2	Mr. O'Kane has applied to operate at the site from Monday to Saturday from 9.00 am to 6.30 pm and on Sunday from 11.00 am to 4.00 pm, using a 2m by 2m gazebo type stall.						
1.3	The size of the stall is larger than a normal City centre street trading pitch, which is 3m x 1.5m (4.5sqm) as stated at Section 5.4 of the Stall Design Policy. Members are, however, advised that Section 5.9 of the Policy allows in any individual case, and for whatever reason, that the Committee may decide to grant a design which varies from the agreed Policy and that such a decision would not be taken to have created any kind of precedent in respect of future applications.						
1.4	The Committee has previously granted licences for larger pitch sizes in Lower Garfield Street, Winetavern Street, Donegall Quay and Blackstaff Square. The location of the site can easily accommodate the slightly larger stall.						
1.5	There are no o	bjections to the larger stall size.					
1.6	customer will c	During the hours of trading, there will be two staff members operating at the stall. A customer will complete a financial contract providing their personal and financial details in order to obtain Talk Talk home phone and broadband services.					
1.7		. O'Kane has never previously held a Street Trading Licence in Belfast. The application complies with the designation resolution for the site.				cation	

2.0	Recommendations				
2.1	Based on the information presented and considering any representations received, the Committee is requested to consider the application and decide whether it is minded to:				
	<ol> <li>to grant and approve the Licence, or;</li> <li>to grant and approve the Licence with additional conditions, or</li> <li>to refuse the Licence application, under the discretionary grounds as outlined at paragraph 3.3.</li> </ol>				
2.2	Members may attach any reasonable conditions when granting a Street Trading Licence.				
2.3	When minded to refuse a licence application, the applicant must be informed that they 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 licence 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				
	Key Issues				
3.1	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.				
3.2	Section 9 (1) (a) of the Act provides that the Council may, in certain circumstances, refuse an application. However most particularly, if;				
	the location at which the applicant wishes to trade as a stationary trader is unsuitable;				
	<ul> <li>there are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade;</li> </ul>				
	<ul> <li>the nature of the articles, things or services in which the applicant wishes to trade is such that their sale or supply, or their preparation for sale or supply, would adversely affect the general amenity of the area in which the applicant wishes to trade.</li> </ul>				
3.3	Mr. O'Kane has been invited to appear before Committee and make a brief presentation on matters such as how the business will be operated, the design of the stall, how the commodities which he proposes to sell will add to the area and address any concerns with their proposals.				
	Consultations				
3.4	Transport NI, the PSNI and Belfast City Centre Management have been consulted in relation to the application.				
3.5	Both Transport NI and the PSNI have confirmed that they have no objection to the application. Copies of their respective correspondence is attached at Appendix 1.				

- However, Belfast City Centre Management has objected to the application. It has stated the following:
  - the area already has two businesses selling the same items as those being proposed. These are 4 ur Phone located at 49 Rosemary Street (above Suitor Menswear) and Phone Inc. located at 9 Lombard Street.
  - the area has undergone some small scale regeneration works and is due to go through the Restore Project, which improves the aesthetics of shop fronts and buildings. The proposed stall is not in keeping with the style of the street.
  - in the past year, the traders have formed a trader' group for Lombard and Rosemary Street businesses. One of their main aims is to either reduce the size of the air monitoring unit at the High Street junction or work to get this removed entirely. The businesses are not in favour of another structure being present on the street.

## Financial and Resource Implications

- **3.7** If the Committee grants a Licence, the Stationary Street Trading Licence fee is as follows:
  - Application Fee of £100, and
  - A Licence fee, for Monday to Sunday, of £1017 per annum

## **Equality or Good Relations Implications**

**3.8** There are no equality or good relations issues associated with this report.

## 4.0 Documents Attached

Appendix 1 – Transport NI and PSNI Letters of no objection.

Appendix 2 – Belfast City Centre Management objection

Appendix 3 – Photograph of Mr O'Kane's stall