



Subject:	Application for the Grant of a Mobile Street Trading Licence
Date:	15th March, 2017
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 from Mr. Thomas Seenan for the grant of a Mobile Street Trading Licence to cover the Turf Lodge, Andersonstown, Ladybrook, Finaghy, Suffolk, Poleglass, Twinbrook and Dunmurry areas of the City for the sale of ice cream, confectionery, non-alcoholic beverages and groceries.
1.2	Mr Seenan has applied to trade Monday to Sunday between the hours of 12.00 pm and 9.00 pm using a Ford Transit van.

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
	<p data-bbox="260 226 416 255"><u>Key Issues</u></p> <p data-bbox="165 293 1471 389">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.</p> <p data-bbox="165 427 1471 557">3.2 Section 9 of the Act provides that the Council may, in certain circumstances, refuse an application if the applicant has at any time been granted a Street Trading Licence by the council, which was revoked if the applicant had refused or neglected to pay fees or other charges due to the council in respect of the licence.</p> <p data-bbox="165 595 1471 692">3.3 The Committee is reminded that, at its meeting on 18th June 2014, it revoked Mr. Seenan's previous Mobile Street Trading Licence, as he owed £843.87 in licence fee arrears, despite significant effort being made by the Council to manage his debt.</p> <p data-bbox="165 730 1471 826">3.4 Mr Seenan declined to make representation on two occasions to the Committee regarding the non-payment of fees. Furthermore, whilst he subsequently paid these arrears, he did not re-apply for a licence.</p> <p data-bbox="165 864 1471 927">3.5 When Mr. Seenan previously traded, he had no licence infringements. Since Mr. Seenan's Licence was revoked no other application to trade in these areas has been granted.</p> <p data-bbox="260 965 456 994"><u>Consultations</u></p> <p data-bbox="165 1032 1471 1095">3.6 Transport NI and the PSNI have been consulted and both have confirmed that they have no objection to the application. Copies of their correspondence is attached.</p> <p data-bbox="165 1133 1471 1196">3.7 Members have previously expressed concerns that, if a licence were to be granted, it would be detrimental to other traders in the area.</p> <p data-bbox="165 1234 1471 1330">3.8 Advice was sought at that time on this matter from Counsel which indicated primarily that the Council could not restrict the number of traders on the grounds that it would affect another trader's business, as such a move would be contrary to anti-competition legislation.</p> <p data-bbox="260 1368 772 1397"><u>Financial and Resource Implications</u></p> <p data-bbox="165 1435 1471 1565">3.9 If the Committee grants a Mobile Street Trading Licence to Mr Seenan the fee is as follows:</p> <ul data-bbox="260 1503 1059 1568" style="list-style-type: none"> • application Fee of £120, and • a licence fee, for Monday to Sunday, of £882 per annum. <p data-bbox="260 1603 820 1632"><u>Equality or Good Relations Implications</u></p> <p data-bbox="165 1671 1214 1700">3.10 There are no equality or good relations issues associated with this report.</p>
4.0	Documents Attached
	Correspondence from Transport NI and PSNI