



Subject:	Consideration of Designating Resolutions for Street Trading Sites/Variation of Commodities and Services
Date:	19th April, 2017
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext 2435
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, Ext 6446

Restricted Reports

Is this report restricted?

Yes

No

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

Call-in

Is the decision eligible for Call-in?

Yes

No

1.0	Purpose of Report/Summary of Main Issues
1.1	An important feature of the licensing provisions in the Street Trading Act (NI) 2001 is the power of a district council to Designate specific streets or parts of streets as being suitable for street trading. The Act also allows a council to vary a previous Designating Resolution in relation to the commodities or services to be supplied in specific streets.
1.2	If a street or the commodity to be offered has not been Designated under the Act the Council cannot issue a licence for street trading from a stationary position in that street.
1.3	The process of considering and reviewing the Designation of streets is, therefore, an essential part of the legal framework within which the Council is enabled to regulate street trading in the City.

2.0	<u>Recommendations</u>												
2.1	The Committee is requested to consider the applications which have been received for the creation of new designated sites and for the variation of commodities and services at current designated sites and, subject to any amendments you may have, permission is sought to allow the publication of the statutory 28-day notice of the proposed resolution and to commence consultation with statutory bodies and other persons who may have an interest in the proposals.												
3.0	Main Report												
3.1	<p><u>Key Issues</u></p> <p>The Act sets down the procedures which must be followed in considering a Designating Resolution, including the types of trading which may or may not take place in that street. The main steps the Council must undertake may be summarised as follows:</p> <ul style="list-style-type: none"> a) Give public notice of the proposed resolution in 2 or more newspapers in the district; b) Consult with the PSNI and the Department for Infrastructure and other persons it considers appropriate; c) Consider any representations relating to the proposed resolution which it has received; d) After the Council has considered those representations it may, if it thinks fit, pass the Designating resolution; e) Publish notice of the outcome for 2 consecutive weeks in 2 or more newspapers, giving not less than 28 days between the date of the publication and the date set out by the Council when the resolution will come into effect. <p>3.2 A further report will be brought to a future meeting of the Committee, detailing the outcome of the process of consultation. At this stage, Members will be able to determine the designation of the streets, along with any restriction on the commodity to be sold and any recommendations regarding the restriction on the times of trading.</p> <p>3.3 Members are aware that the Committee has previously considered a number of locations throughout the City and determined their appropriateness for designation. There are currently approximately 60 streets or parts of streets designated as being suitable for Stationary Street Trading.</p> <p>Proposed New Streets or Part Thereof</p> <p>3.4 Designation applications or expressions of interest have been received for the creation of new Designated sites in streets at various locations throughout the City as listed below:</p> <table border="1" data-bbox="301 1668 1439 1944"> <thead> <tr> <th></th> <th>Location</th> <th>Commodity</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Lisburn Road outside premises of Café Maud's, 555 Lisburn Road.</td> <td>Ice cream and non-alcoholic beverages.</td> </tr> <tr> <td>2</td> <td>Balmoral Road, situated outside the now closed B&Q site on the left-hand side of the road.</td> <td>Hot and cold food and non-alcoholic beverages or similar commodities.</td> </tr> <tr> <td>3</td> <td>Oldpark Road, in lay-by 45ft from the junction with Hillview Road.</td> <td>Hot and cold food and non-alcoholic beverages or similar commodities.</td> </tr> </tbody> </table>		Location	Commodity	1	Lisburn Road outside premises of Café Maud's, 555 Lisburn Road.	Ice cream and non-alcoholic beverages.	2	Balmoral Road, situated outside the now closed B&Q site on the left-hand side of the road.	Hot and cold food and non-alcoholic beverages or similar commodities.	3	Oldpark Road, in lay-by 45ft from the junction with Hillview Road.	Hot and cold food and non-alcoholic beverages or similar commodities.
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3	Oldpark Road, in lay-by 45ft from the junction with Hillview Road.	Hot and cold food and non-alcoholic beverages or similar commodities.											

4	Gordon Street, at junction with Dunbar Street beside metal artwork for night time trading.	Hot and cold food and non-alcoholic beverages or similar commodities.
5	Bridge Street, in lay-by outside 12-16 Bridge Street for night time trading.	Hot and cold food and non-alcoholic beverages or similar commodities.
6	Donegall Street, in parking bay near the junction with Waring Street for night time trading.	Hot and cold food and non-alcoholic beverages or similar commodities.
7	Cupar Way.	Tourist souvenirs or similar commodities.
8	The Arc, Titanic Quarter (5 sites)	Hot and cold food and non-alcoholic beverages or similar commodities. Gifts and souvenirs.
9	Hamilton Dock, Titanic Quarter (4 sites)	Hot and cold food and non-alcoholic beverages or similar commodities. Gifts and souvenirs.
10	Titanic Plaza, Titanic Quarter (3 sites)	Hot and cold food and non-alcoholic beverages or similar commodities. Gifts and souvenirs.

Variation of Commodities and Services to be Provided

3.5

The Act also allows the Council to vary a Designating Resolution in relation to the part of the street where trading is permitted, this includes consideration of the commodities or services which can be offered at that location. The procedures that must be followed for varying a Designating Resolution are the same as those for making the designation in the first place.

3.6

Applicants have asked for the Council to consider the variation of the commodities and services which are permitted to be offered at the following designated sites where they are already licensed:

	Location	Current Commodity	Proposed Variation to include:
1	Lower Garfield Street at the junction with North Street	Commodity is to be determined but excludes the sale of hot food.	Hot food to include crepes, waffles, roasted nuts, sandwiches, paninis and hot pastries.
2	Donegall Square North at front of City Hall	Ice cream and hot and cold non-alcoholic beverages from an ice cream tricycle.	Hot food to include crepes, wraps and other artisan foods.
3	Castle Junction Kiosk	Hot and cold non-alcoholic beverages, confectionery, ice cream and cold food or similar commodities including the sale of theatre and event tickets	Bus tour tickets.
4	Castle Place opposite Donegall Arcade	Commodity is to be determined but excludes the sale of hot food and tour tickets.	Bus tour tickets.

Financial and Resource Implications

3.7	<p>The cost of all notices is included in current revenue budgets. The required notice to confirm the designation will cost approximately £5,000 as our policy states that it must be placed in three newspapers for two consecutive weeks.</p> <p><u>Equality or Good Relations Implications</u></p> <p>There are no equality or good relations issues.</p>
3.8	
4.0	Documents Attached
	None