



Subject:	Competing Applications for a Stationary Street Trading Licence - Donegall Street
Date:	17th May, 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

Some time in the future

Never

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Call-in

Is the decision eligible for Call-in?

Yes No

1.0	Purpose of Report/Summary of main Issues
1.1	Members are reminded that, at your meeting on 19th October, 2016, you considered separate Street Trading Licence applications from Mr Sydney McCallum and Ms. Linsey Swift for the designated site on Donegall Street, opposite the Kremlin Nightclub.
1.2	Mr. McCallum was applying for the renewal of his Stationary Street Trading Licence at this site and Ms Swift was applying for the site as a new trader.
1.3	After considering the applications, the Committee agreed that it was minded to grant a Stationary Street Trading Licence to Mr. McCallum permitting him to sell hot food and non-alcoholic beverages from Monday to Sunday between the hours of 9.00 pm and 4.00 am at the designated site in Donegall Street on the basis that he had been trading at that location since 2000 and that the other applicant, Ms Swift, had indicated she would be willing to consider an alternative site.

1.4	A copy of the minute from that meeting is attached.
2.0	Recommendations
2.1	<p>The Committee must agree either to:</p> <ol style="list-style-type: none"> 1. affirm the initial decision of 19th October, 2016 and grant the licence to Mr, McCallum for a period of three years and refuse the other application, or 2. amend its decision of 19th October, 2016.
2.2	If the Committee agrees to amend its decision of 19th October 2016, it should give the grounds for so doing and arrange to hear from the applicants again before making a final decision.
2.3	On granting a licence, the Committee may attach any reasonable conditions to it they so decide.
3.0	Main Report
3.1	<p><u>Key Issues</u></p> <p>As a consequence of agreeing that you were minded to grant the Stationary Street Trading Licence to Mr McCallum, the Committee agreed that it was minded to refuse the application which had been submitted by Ms Swift.</p>
3.2	That decision was on the grounds set out in Sections 9(1) (a) (i) and (iv) of the Street Trading Act (Northern Ireland) 2001, namely, that the location at which they wished to trade was unsuitable and that there were sufficient traders trading at that location in the articles, things or services in which they wished to trade.
3.3	Members will recall that Ms. Swift informed the Committee that she had been unaware, when submitting her application that Mr McCallum had been trading at that location for a considerable period of time. In light of that, she confirmed that she would be willing to consider other suitable sites which might be available.
3.4	Accordingly, Ms. Swift was notified that she would be permitted to make written representation to the Council with such representation to be made within 21 days from the date of notice. However, Members are advised that Mrs Swift has not submitted an appeal.
3.5	Mr McCallum has therefore continued to trade from the designated site on Donegall Street.
3.6	The Committee also requested that officers work with Ms. Swift to identify other suitable sites from which she might wish to trade. As a result, she has recently made an application for a number of sites which she believes would be suitable for designation. These were presented to the Committee in April within the report on designating resolutions for street trading sites.
	<u>Financial and Resource Implications</u>
3.7	<p>If the Committee grants a licence, the Street Trading Licence fee is as follows:</p> <ul style="list-style-type: none"> • Application Fee of £100, and • A Licence fee, for Monday to Sunday £1017.

3.8	<u>Equality or Good Relations Implications</u> There are no equality or good relations issues.
4.0	Document Attached
	Minute of the Committee meeting of 19th October, 2016.