



Subject:	Rescinding of a Designating Resolution for a Street Trading Site - Blackstaff Square
Date:	21st June, 2017
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext 2435
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Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
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 the rescinding of an existing street trading pitch in Blackstaff Square.
1.2	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 rescind a previous Designating Resolution in relation to the location, commodities or services to be supplied in specific streets.
1.3	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.

2.0	Recommendation
2.1	The Committee is requested to consider rescinding the street trading pitch in Blackstaff Square. 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
	<u>Key Issues</u>
3.1	Members will recall that you previously considered a report regarding the Designating Resolutions for a number of new street trading sites and the variation of commodities and services to be provided at existing sites at your meeting on 19th April 2017.
3.2	After considering the report, the Committee agreed to all proposals and 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.
3.3	However, the Department for Communities, as landowner of Blackstaff Square, has written to the Council requesting that the street trading pitch within Blackstaff Square be rescinded.
3.4	The street trading pitch was, until recently, used by Cafe Continental to sell tea, coffee, etc. However, the licensee has ceased trading and has confirmed to the Department for Communities that they no longer wish to use the Square. The use of the Square has proved to be problematic over the years with the various developments taking place around it.
3.5	The Department for Communities has thus reconsidered having a street trading pitch at this location and is of the view that it is no longer viable.
3.6	The Act sets down the procedures which must be followed in considering rescinding a Designating Resolution. The main steps the Council must undertake may be summarised as follows: <ul style="list-style-type: none"> a) Give public notice of the proposed resolution; 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 resolution rescinding the Designation; 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.
3.7	A further report will be brought to a future meeting of the Committee detailing the outcome of the process of consultation. At that stage, Members will be able to determine the rescinding.
3.8	The procedures that must be followed for rescinding a Designating Resolution are the same as those for making the original Designation.
3.9	We will include the details to rescind this site in the public notice of the proposals the Committee previously considered on 19th April, which was in the process of being finalised.

<p>3.10</p> <p>3.11</p>	<p><u>Financial and Resource Implications</u></p> <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>
<p>4.0</p>	<p>Documents Attached</p>
	<p>None</p>