



Subject:	Review of Stationary Street Trading Licences – Fountain Lane and Fountain Street
Date:	16 th May 2018
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 initiating the process to revoke two Stationary Street Trading Licences held by Mr. Joseph Kerr for the non-payment of licence fees and failure to use the Street Trading Licences to a reasonable extent.
2.0	Recommendations
2.1	The Committee is requested to decide whether: 1. it is minded to revoke Mr Kerr's Licences as he has, without reasonable explanation, failed to pay any fees or charges due to the Council and, without reasonable excuse, failed to avail himself to a reasonable extent of his licence, and if so, 2. to agree to consider the revocation of the Licences at a future meeting, to which Mr Kerr would be invited to make representation regarding his failure to pay the fees due and non-use of his Licences.

3.0	Main Report
	<p data-bbox="272 230 427 259"><u>Key Issues</u></p> <p data-bbox="165 293 1469 360">3.1 Mr. Joseph Kerr holds two Stationary Street Trading Licences, which allow him to trade from Monday to Sunday. The Licences are as follows:</p> <p data-bbox="272 394 1129 427">1. Fountain Lane (45ft from its junction with Donegall Place)</p> <p data-bbox="165 461 1469 562">3.2 For the sale of confectionery, toys, clothing accessories, Halloween accessories, gift wrap, souvenirs and tour tickets including bus tours. The licence permits trading from Monday to Sunday from 0800hrs to 2200hrs.</p> <p data-bbox="272 595 1171 629">2. Fountain Street (20ft from its junction with Wellington Place)</p> <p data-bbox="165 663 1469 797">3.3 For the sale confectionery, jewellery, bus tour tickets, Halloween costumes and accessories, toys, socks, non-alcoholic beverages, wrapping paper, cards, souvenirs, t-shirts, magnets, tea towels, key rings, mugs, lighters and clothing accessories. The licence permits trading from Monday to Saturday from 0830hrs to 2130hrs and on Sunday from 0830hrs to 1830hrs.</p> <p data-bbox="165 831 831 864">3.4 The annual fee for each Licence is £1,250.</p> <p data-bbox="165 898 1469 1032">3.5 Mr. Kerr has a long history of non-payment of licence fees. Members are reminded that the Licensing Committee previously considered his Licences, for these sites at Fountain Lane and Fountain Street, for the non-payment of the licence fee at its meeting on 19th March 2014.</p> <p data-bbox="165 1066 1469 1167">3.6 At that meeting, the Committee agreed that it was minded to revoke the Stationary Street Licences held by Mr. Kerr in respect of the designated sites and agreed also to invite him to make representation to the Committee regarding its decision.</p> <p data-bbox="165 1200 1469 1335">3.7 The Licensing Committee, at its meeting on 18th June 2014, subsequently reconsidered the applications and, after being informed that Mr. Kerr had paid the outstanding licence fees, agreed to rescind its March decision and not revoke the Street Trading Licences held by Mr. Kerr for Fountain Lane and Fountain Street.</p> <p data-bbox="165 1368 1469 1469">3.8 Between June 2014 and December 2015, Mr. Kerr once again proceeded to build up licence fee arrears. These arrears were eventually paid in December, 2015 when he applied for his current Licences.</p> <p data-bbox="165 1503 1469 1603">3.9 Subsequently, the Licensing Committee on 16th March 2016 again considered the applications for Mr. Kerr's two Stationary Street Trading Licences due to non-payment of fees, and after hearing from him agreed to the grant the Licences.</p> <p data-bbox="165 1637 1469 1704">3.10 Mr. Kerr is once again not paying his licence fees and currently owes the Council £1577.54, despite efforts to contact him.</p> <p data-bbox="165 1738 1469 1805">3.11 Members may wish to note Mr. Kerr only trades sporadically and seldom uses both sites. He trades without any other licence infringements.</p> <p data-bbox="165 1839 775 1872">3.12 Details of inspections are listed below:</p>

Inspection	Fountain Street	Fountain Lane
17/03/2017	not trading	trading
31/05/2017	not trading	trading
01/06/2017	not trading	trading
24/06/2017	not trading	trading
25/07/2017	not trading	trading
29/07/2017	not trading	trading
10/08/2017	trading	not trading
06/09/2017	trading	not trading
14/09/2017	not trading	not trading
15/09/2017	trading	not trading
26/09/2017	trading	not trading
06/10/2017	trading	not trading
25/10/2017	trading	not trading
15/11/2017	not trading	trading
17/12/2017	not trading	trading
17/03/2018	trading	trading
01/05/2018	not trading	not trading

3.13 The Street Trading Act (N.I.) 2001 provides that, at any time after a Street Trading Licence has been granted, the Council may, in certain circumstances, revoke a Licence.

3.14 The Act permits that a Council may revoke a Licence if it is satisfied that the licence holder has, without reasonable explanation, failed to pay any fees or charges due to the Council and if the licence holder has, without reasonable excuse, failed to avail himself to a reasonable extent of his licence.

3.15 Should the Committee be of a mind to use its discretionary power to revoke the Street Trading Licences, the Act requires that advance notice be given to the Licensee and that they be invited to make representations before a decision is made.

Financial and Resource Implications

3.16 If these Licences are revoked, there will be a loss in annual Licence Fees of £2,500. However, it is anticipated that there will be sufficient interest in these sites that the vacancies will be filled within a short time.

Equality and Good Relations Implications

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

4.0 Documents Attached

None