



Subject:	Review of Stationary Street Trading Licences – Fountain Lane and Fountain Street
Date:	15th August 2018
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	James Cunningham, Regulatory Services Manager, ext 3375

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	Members are reminded that, at your meeting on 16th May, you considered the revocation of two Stationary Street Trading Licences granted previously to Mr. Joseph Kerr, which allows him to trade from Monday to Sunday. The Licences are for: 1. Fountain Lane (45ft from its junction with Donegall Place)
1.2	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 08.00 hrs to 22.00 hrs.

<p>1.3</p> <p>1.4</p> <p>1.5</p> <p>1.6</p>	<p>2. Fountain Street (20ft from its junction with Wellington Place)</p> <p>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 08.30hrs to 21.30hrs and on Sunday from 08.30 hrs to 18.30 hrs</p> <p>The Committee, after considering the matter, agreed that it was minded to revoke the Licences held by Mr. Kerr in respect of both designated sites and agreed that he be invited to make representation to the Committee regarding that decision.</p> <p>Mr. Kerr was notified of the Committee decision but to date, no representation has been received and no payments have been made.</p> <p>The outstanding debt is currently £2202.50</p>
<p>2.0</p>	<p>Recommendations</p>
<p>2.1</p> <p>2.2</p> <p>2.3</p>	<p>Taking into account the information presented and after considering Mr. Kerr's representation, you are required to make a decision to either:</p> <ol style="list-style-type: none"> 1. affirm your decision of 16th May and revoke either or both the Street Trading Licences, or 2. reverse your decision of 16th May 2018 and decide not to revoke the Street Trading Licences. <p>If the Committee decides not to revoke the Licence, it is asked to consider making it a requirement upon renewal that Mr. Kerr must pay his Licence fee in full, instead of the current Council policy of offering any applicant the opportunity to pay their fee over the term of the licence, and that any subsequent licence must be renewed annually.</p> <p>If the licence is revoked, the licensee may appeal the Council's decision within 21 days of notification of that decision to the Magistrates' Court. If an appeal is lodged, the licensee may continue to operate under the terms of the existing licence until such times as the Court make a determination in relation to the appeal. The Council will recover the outstanding debt.</p>
<p>3.0</p>	<p>Main Report</p>
<p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p>	<p><u>Key Issues</u></p> <p>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.</p> <p>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.</p> <p>The minute from the Committee meeting on 16th May is attached.</p> <p>At that meeting, the Committee asked for a report providing information on those street traders who had failed to pay their licence fees and on those who were not utilising their licences on a regular basis.</p>

3.5 Below is an overview of the number of City centre pitches and how often they are traded on. The table below shows the level of usage for each pitch between March 2015 and May 2018, including Mr. Kerr's pitches which are highlighted in bold.

Licensee	Pitch	Trading during inspection
Joseph Kerr	Fountain Street	32%
Joseph Kerr	Fountain Lane	55%
Joseph Rea	Castle Lane (1)	7%
Joseph Rea	Castle Lane (2)	7%
Joseph Rea	Castle Place opp Donegall Arcade	0%
Bronagh Stitt	Donegall SqN front of City Hall	15%
Francis Brown	Lombard Street	100%
Victor Wilkinson	Cornmarket	86%
Russell Bailie	Castle Place kiosk	100%

* The Committee should note that inspections are not carried out on daily basis.

3.6 Only two street traders from the above list have licence fee debts – Mr. Kerr owes a total amount of £2202.50 and Mr. Rea a total amount of £687.49. Committee should note that Mr. Rea makes regular payments servicing his debt.

Financial and Resource Implications

3.7 If these Licences are revoked, there will be a loss in annual Licence Fees of £2500. However, it is anticipated that there will be sufficient interest in these sites that the vacancies will be filled within a short time.

Equality or Good Relations Implications/Rural Needs Assessment

3.8 There are no issues associated with this report.

4.0 Document Attached

Minute of Committee meeting of 16th May