



<b>Subject:</b>	<b>Stationary Street Trading Licence application for Cornmarket site including the sale of bus tour tickets.</b>
<b>Date:</b>	19 August 2020
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, Ext. 2435
<b>Contact Officer:</b>	James Cunningham, Regulatory Services Manager, Ext. 3375

<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>If Yes, when will the report become unrestricted?</b>	
<b>After Committee Decision</b>	<input type="checkbox"/>
<b>After Council Decision</b>	<input type="checkbox"/>
<b>Some time in the future</b>	<input type="checkbox"/>
<b>Never</b>	<input type="checkbox"/>

<b>Call-in</b>	
<b>Is the decision eligible for Call-in?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	Committee is reminded that, at your meeting on the 19 September 2018, you agreed that any further applications to sell bus tour tickets would be considered by the Committee and, if approved, be granted on a one-year trial basis.
1.2	The Council has received a Street Trading Licence application from Mr Michael Kerr to trade at the available designated site in Cornmarket. One of the commodities Mr Kerr wishes to sell is bus tour tickets. Members may wish to note that this site was previously licensed for the sale of bus tour tickets and operated without complaints.
1.3	The application complies with the designating resolution for the site.
1.4	Details of the application are outlined below:

1.6	<p>Mr Kerr has applied to sell tour tickets (including bus tours), art work, clothing, clothing accessories, confectionery, flowers and plants, jewellery, jokes, novelty items, seasonal items, souvenirs, wrapping paper and cards. The proposed times of trading are Monday to Sunday from 6.00 am to 10.00 pm. Mr Kerr proposes to use a traditional market stall measuring 3m by 1.5m. A photograph of the stall is attached as Appendix 1.</p> <p>Mr Kerr already has a Stationary Street Trading Licence to trade at the designated site in Fountain Lane, selling similar commodities including bus tour tickets. Since being granted that Licence Mr Kerr had not been able to trade due to Covid 19 restrictions.</p>
<b>2.0</b>	<b>Recommendations</b>
2.1	<p>Based on the submission presented and considering any amendments to the application, the Committee is requested to consider the application and decide whether to:</p> <ol style="list-style-type: none"> <li>1. Grant and approve the Licence to Mr Michael Kerr; or</li> <li>2. Grant and approve the Licence to Mr Michael Kerr with additional Conditions, or;</li> <li>3. Refuse the Licence application, under the discretionary grounds as outlined at paragraph 3.3 below.</li> </ol>
2.2	<p>Members may attach any reasonable Conditions when granting a Street Trading Licence including that it be granted on a one-year trial basis.</p>
2.3	<p>When minded to refuse a Licence application, the applicant must be informed that they will be permitted to make representation regarding the refusal to the Council, with such representations to be made not less than 21 days from the date of notice.</p>
2.4	<p>As a consequence, the actual decision to refuse the Licence will be considered at a meeting on a later date. There is a right of appeal to the Magistrate's Court against any refusal on these grounds.</p>
<b>3.0</b>	<b>Key Issues</b>
3.1	<p>The Street Trading Act (Northern Ireland) 2001 (the Act) places a statutory obligation on a district council to grant an application for a Street Trading Licence unless there are sufficient grounds to refuse it.</p>
3.2	<p>Section 8 of the Act sets out circumstances in which an application must be refused, however there are no such grounds of refusal applicable to this licence application.</p>
3.3	<p>Section 9 of the Act sets out discretionary grounds under which a district council may refuse to grant an application.</p> <p>a. That –</p> <ol style="list-style-type: none"> <li>i. The location at which the applicant wishes to trade as a stationary trader is unsuitable;</li> <li>ii. The space in the designated street in which the applicant wishes to trade as a stationary trader is inadequate for the applicant to do so without causing undue interference or inconvenience to persons or vehicles using the street;</li> <li>iii. The area or areas of the district in which the applicant wishes to trade as a</li> </ol>

	<p>mobile trader are unsuitable for the applicant to do so without causing undue interference or inconvenience to persons or vehicles in the area or areas;</p> <p>iv. There are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade;</p> <p>v. The nature of the articles, things or services in which the applicant wishes to trade is such that their sale or supply, or their preparation for sale or supply, would adversely affect the general amenity of the area in which the applicant wishes to trade;</p> <p>b. That the applicant has, in connection with the application, made a statement which he knows to be false in a material particular;</p> <p>c. That the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence;</p> <p>d. That the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;</p> <p>e. That the applicant has at any time been granted a street trading licence by the council, which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to the council in respect of the licence;</p> <p>f. That the applicant has failed to provide the particulars required by the council to deal with the application;</p> <p>g. That the applicant has failed to provide or identify suitable or adequate arrangements for storing any articles, things or receptacles in or with which he proposes to trade.</p> <p>There is a right of appeal to the Magistrate’s Court against any refusal on these grounds.</p> <p><b><u>Consultation</u></b></p> <p>3.4 The PSNI and DfI Roads Service were consulted on the application and have no objections. Their responses are attached as Appendix 2.</p> <p><b><u>Financial &amp; Resource Implications</u></b></p> <p>3.5 If the Committee grants a Licence, the Stationary Street Trading Licence fee is as follows:</p> <ul style="list-style-type: none"> <li>• Application Fee of £150, and</li> <li>• A Licence fee, for Monday to Sunday, of £1250 per annum.</li> </ul> <p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p> <p>3.6 There are no issues associated with this report.</p>
4.0	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Photograph of Mr Kerr’s stall</li> <li>• Appendix 2 – Consultation responses from PSNI and DfI Roads Service</li> </ul>