

Street trading licensing policy

Revised January 2019

Street trading licensing - Guidance note

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Purpose and aim

The purpose of this policy is to provide guidance on matters which should be considered when deciding whether to grant a street trading licence.

The aim is to provide consistent decision making by Belfast City Council in the performance of its street trading duties.

Background

The Street Trading Act (Northern Ireland) 2001 (the Act) enables councils to regulate street trading through designating, licensing and enforcement procedures.

The Act repealed most of the provisions of the Street Trading (Regulation) Act (NI) 1929, except section 10 which contains the provisions whereby market rights can be acquired or extinguished.

Section 5 of the Act contains details on how an application for the grant, renewal or variation of street trading licences should be made.

Section 6 of the Act contains details on the granting of street trading licences.

Section 7 of the Act contains details on conditions relating to street trading licences.

General principles

Each case must be considered on its own merits, but there are general principles that apply in all cases. Belfast City Council have a duty to make sure that each street trading licence application is fairly and objectively assessed and that all relevant factors are considered.

Belfast City Council will consider applications to trade as a stationary street trader in a street or part of a street, which is designated as being suitable for the purposes of stationary trading, pursuant to section 4 (1) of the Act, subject to such applications relating to the commodity identified in the schedule of designation or excepting the sale of certain commodities as identified in the said schedule.

Belfast City Council will refuse an application under section 5 of the Act (Mandatory grounds for refusing an application) if:

- the applicant is not an individual;
- the applicant has not reached the upper limit of compulsory school age, within the meaning of Article 46 of The Education and Libraries (Northern Ireland) Order 1986 (16 years of age);
- the applicant wishes to trade at a place where trading would contravene any statutory provision or rule of law;
- the application is for a street which is not a designated street; or
- the application includes any article, thing or service the sale or supply of which would be contrary to the terms of any designating resolution having effect in relation to the designated street in which the applicant wishes to trade.

Belfast City Council may refuse an application under section 5 of the Act (Discretionary grounds for refusing an application) if:

- the location at which the applicant wishes to trade as a stationary trader is unsuitable;
- 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;
- the area or areas of the district in which the applicant wishes to trade as a 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;
- 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;
- the nature of the articles, things or services in which the applicant wishes to trade is such that



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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;

- the applicant has, in connection with the application, made a statement which he knows to be false in a material particular;
- the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence;
- the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;
- 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;
- the applicant has failed to provide the particulars required by the council to deal with the application;
- 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.

If the council considers that grounds for refusal exist under subsection (1)(d) of the Act, it may grant the applicant a licence subject to conditions which permit him:

- to trade on fewer days or during a shorter period in each day than is specified in the application; or
- to trade in a different designated street or in a different area from that specified in the application.

Belfast City Council will consult with:

- the District Commander of the Police District Command Unit in which the streets are situated; and
- the Department for Regional Development in regards the Department's roads and regulation of road traffic functions.

The council may also consult other persons, as it considers appropriate. Such consultees may

include the following:

- Belfast Chamber of Trade and Commerce
- Belfast City Centre Management
- nearby street trading licence holders who may be affected
- business and commercial premises in the vicinity of the site in respect of which the application has been received.
- the National Market Traders Federation
- the Northern Ireland Ambulance Service
- other emergency services

Without prejudice to its right to take account of any relevant consideration in determining the suitability of each street trading licence, the Belfast City Council will take into account:

- safety of the public and any risks which may arise;
- the appropriateness and suitability of the street or part of a street and commodities in relation to the location;
- the potential adverse impact that street trading may have upon the character and appearance of the area in question;
- the extent to which the sale of the commodity will provide a useful service to the event or occasion which is not otherwise provided in the area;
- the potential environmental effects such as additional litter, cleansing requirements, odour and noise;
- the potential for a proposed street trading licence to have an adverse effect in terms of anti-social behaviour and public disorder;
- any other statutory provision which would be appropriate to consider; and
- previous complaints arising from any street trading activities in that street or part of a street.

This policy may be amended or replaced at any time without consultation of other parties.

Place and Economy

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