

Policy for temporary street trading licences

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 which the council considers, when deciding whether to grant a temporary 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The Act repealed most of the provisions of the Street Trading (Regulation) Act (NI) 1929, except section 10 which contains the provisions whereby market rights can be acquired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 14(5) of the Act requires the council to formulate criteria with respect to the granting of temporary street trading licences by the council. It also requires the council to have regard to those criteria when considering whether to grant a temporary street trading licence and to make this criteria available to any person on request,

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 temporary street trading licence application is fairly and objectively assessed and that all relevant factors are considered.

Belfast City Council will consider applications to permit temporary street trading at special events organised within the council area. The council will determine each case in light of the prevailing circumstances and relevant information made available to it. Events in the nature of the Lord Mayors Parade, Christmas Lights Switch-on, New Years Eve, Halloween Events, Festival & Civic Events, Community Organised Events and Cultural Parades/ Events may be treated as special events for the purposes of the Act.

In circumstances other than those referred to above, the council may consider applications to permit temporary street trading which adds colour, ambience, novelty and/or tradition in particular locations. The council may also consider such applications in the context of seasonal/festive periods. In considering any such request, the council will undertake appropriate consultation with relevant parties

Applications must be received by Belfast City Council not less than 42 days before the date of the first day of the proposed event. Although if this time period cannot be complied with, the council may still consider a temporary street trading 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:

- the organiser or organising committee of the specified event
- 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

Without prejudice to its right to take account of any relevant consideration in determining the suitability



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of each temporary street trading licence, Belfast City Council will take into account:

- the 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 temporary 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 temporary 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;
- previous complaints arising from any street trading activities in that street or part of a street;
- the conditions pertaining to the event (for example road closures, provision of marshals, off-street activities and venues, numbers of persons anticipated and age profile); and
- the number of temporary street trading licences already granted for a street, or part of a street, for a specified period and adequacy in the context of the commodity or service proposed to be offered.

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

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