

STREET TRADING: LAMMAS FAIR	5th February 2019
TO: ENVIRONMENTAL SERVICES COMMITTEE	
FOR DECISION	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Protecting and Enhancing our Environment and Assets
Outcome	Revocation of Street Trading Designation Clare Street Ballycastle, removal of street trading pitches and addition of Street Trading Licensing Conditions
Lead Officer	Head of Health & Built Environment
Cost: (If applicable)	Officer time spend processing application offset by Street Trading licence fee

Background

Since Local Government reform, the Lammas Fair event has been characterised as a Council Event, delivered by Council through its Leisure Services Department, with assistance from the Health and Built Environment Section in the form of the facilitation and delivery of street trading licences. These Street Trading Licences carry pertinent conditions for those who trade on the designated public streets in Ballycastle town centre at the event.

Designated Streets

Section 3 of the Street Trading Act (NI) 2001 allows a District Council to designate specific streets in its area as being suitable for street trading. This is considered to create a more open system which gives everyone an opportunity to comment on a proposal to permit street trading in a particular street. In addition prospective traders will be more aware of where street trading is to be permitted. A Council is not compelled to designate streets. However, if a street remains undesignated, a District Council may not issue a licence under the Act to permit street trading from a stationary position on that street. Street trading may be permitted in undesignated streets under the authority of a temporary licence or where the trader has been authorised by Council to trade as a mobile trader.

Clare Street, Ballycastle

The legacy Moyle District Council had through the prescribed process under Section 4 of the Street Trading Act (NI) 2001, designated Clare Street “on the west side, the pavement and 1.5m of carriageway. On the east side ground in the open air within

10m of the road and pavement” as an area where stationary street trading licences could be issued during the Lammas Fair event. This was conditional in that no licences were issued by the Council for ice-cream or hot food vehicles.

As a consequence Council made available fifteen designated pitches along Clare Street, where Stationary Street Traders might trade from.

2018 Lammas Fair

During the 2018 Lammas Fair, only three traders took advantage of these 15 pitches and four street trading licences were issued (one trader took two pitches).

Following the 2018 Lammas Fair, Councils Leisure Department has conducted a review involving business and community engagement.

This review has indicated that additional animation is required around The Diamond area and neighbouring streets, to enhance the visitor experience and diversify the event offering.

Proposal

Council Leisure Services Department propose for the 2019 Lammas Fair to cover Clare Street, Ballycastle with a canopy and place an open sided marquee to comprise a food market and an outdoor seated area as a pilot.

In order to facilitate this proposal it is necessary that Council remove the existing street trading designation and conditions as devised by the legacy Moyle Council for stationary traders, and if a scenario arises that might be considered street trading in this area, Council can then issue a temporary Street Trading licence.

Process

In order to revoke the designating resolution Council must follow the statutory process as laid out in Section (4) of the Street Trading Act (NI) 2001 and undertake a public consultation and statutory consultation with PSNI and the Department of Infrastructure.

Removal of Street Trading Pitches

The Diamond, Ballycastle

As previously mentioned business and community engagement has identified that further activity is required to animate The Diamond area of Ballycastle during the Lammas Fair. Leisure Services propose to install a small dais staging unit at The Diamond to facilitate music/entertainment/animation during the Sunday evening, Monday and Tuesday of this event. This would replace the need for the mobile staging unit brought into The Diamond on the Sunday night.

This proposal would necessitate the removal of two street trading pitches from The Diamond.

Quay Road, Ballycastle

Council is in receipt of written representation from the Ballycastle Branch of The Royal British Legion. The organisation is concerned that the positioning of stalls namely 68-71 impacts the War Memorial located at this location and that visitors to the town should still be able to access the War Memorial to pay their respects to those remembered there whilst the event is occurring.

Council have traditionally not issued a street trading pitch at stall location 73 to facilitate an access to the War Memorial.

Licence Conditions

Criminal Record Checks

Council require applicants to provide a basic Criminal record Disclosure Certificate on application for a Temporary, Stationary or Mobile Street Trading Licence. Anyone can apply for a basic disclosure certificate, which will provide details of any unspent criminal convictions. A disclosure certificate can be obtained for Residents of Northern Ireland, England Scotland, Wales and the Republic of Ireland and will cost approximately £25. Council has not requested the production of a certificate for an applicant to trade at the Lammis Fair event but it is considered that for consistency of approach such certification should accompany an application for a Council Street Trading Licence at this event.

Cessation of Trading

In order to facilitate local residents and allow street cleansing activities to begin it is considered appropriate to introduce a condition on all street trading licences issued to traders attending the event that Street Trading must conclude within 30 minutes of the Roads in the Ballycastle Town Centre being reopened to vehicular traffic. (Monday and Tuesday)

Recommendations

- 1) It is recommended that Council begin the revocation process of the designation resolution for Clare Street, Ballycastle.
- 2) It is recommended that Council withdraw Pitch 1 and 2 The Diamond, Ballycastle for street trading purposes to facilitate the siting of staging dais.
- 3) It is recommended that Council withdraw Pitches 72-74 from Quay Road, Ballycastle for street trading purposes to facilitate access to the War Memorial.

- 4) It is recommended that applicants for a Street Trading Licence to trade at the Lammas Fair event must produce a basic Criminal Record Disclosure certificate or its Regional equivalent valid to within one year of the date of the Lammas Fair event.
- 5) It is recommended that all street trading licences issued by Council for the Lammas Fair event are conditioned with a time as to when Street Trading activities must conclude.