

Title of Report:	THE STREET TRADING ACT (NI) 2001
Committee Report Submitted To:	ENVIRONMENTAL SERVICES COMMITTEE
Date of Meeting:	4th June 2019
For Decision or For Information	FOR INFORMATION

Linkage to Council Strategy (2019-23)	
Strategic Theme	Accelerating our Economy and Contributing to Prosperity
Outcome	Decision by Council to Refuse a Mobile Street Trading Licence and Prosecution for Illegal Street Trading
Lead Officer	Head of Health & Built Environment

Budgetary Considerations	
Cost of Proposal	N/A
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

1.0 Purpose of Report

This report seeks to update Committee with respect to the decision by Council to refuse a Mobile Street Trading Licence and a subsequent Prosecution for Illegal Street Trading of that applicant.

2.0 Background

Members may recall confidential report Item 18, considered at the Environmental Services Committee 181119. At that time the Committee and subsequently Council decided to refuse to grant a Mobile Street Trading licence to an applicant on the grounds that:

“The applicant is on account of misconduct or some other reason relating to trading activities, unsuitable to hold a mobile street trading licence”.

This decision was taken as the applicant had been successfully prosecuted by Council on 6th October 2017 for Illegal Street Trading in an ice cream van in Kilrea. The applicant was fined £250 plus legal and court costs and an offender’s levy imposed.

The applicant was informed of this Council decision to refuse to grant him a Mobile Street Trading licence and subsequently appealed the decision of Council to the Magistrates Court.

Following receipt of complaint from the public, an Officer from the Council’s Licensing Team undertook a patrol of the Kilrea area on 6th December 2018 to monitor for illegal trading. The Officer noted street trading from an ice cream van and the matter was recommended for prosecution. The matter was heard at Coleraine Magistrates Court on 3rd May 2019.

3.0 Outcome

The defendant pleaded guilty and a fine of £250 was imposed together with costs.

As a consequence of this conviction the Judge decided to also deal with their appeal to Council’s decision to refuse to grant them a Mobile Street Trading Licence (Item 18 181119 as referenced above). The Judge dismissed that appeal on 3rd May.