

# Street Trading Act (Northern Ireland) 2001

## Criteria for deciding temporary licence applications

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Derry City & Strabane  
District Council  
Comhairle  
Chathair Dhoire &  
Cheantar an tSrátha Báin  
Derry Cittie & Stràbane  
Deistrick Cooncil

Derry City and Strabane District Council has developed the following criteria which it will use when determining applications for temporary licences.

Each application will be considered on its own merits and will be dealt with in a balanced and impartial manner.

A temporary licence may be granted in the following circumstances:

### **Criterion 1: The applicant is a fit and suitable person to hold a licence**

- Temporary licences will not be issued to any applicant who is assessed to be an unsuitable person to hold a licence, because of misconduct or some other reason related to previous trading activities.
- In applying for a licence, the applicant must have supplied all information reasonably required by Council to determine the application and must not have knowingly made a false declaration, in relation to a matter relevant to the application.
- Where the demand for trading places exceeds the spaces available for trading consideration may be given as to whether the applicant has failed to use a previous licence to a reasonable extent, without a satisfactory explanation.
- The applicant must have paid all fees or charges required by the conditions of a previous licence.

### **Criterion 2: The occasion / event is one for which Council will issue temporary licences.**

- Council will consider issuing temporary licences for a wide variety of festivals, events and parades as well as special occasions, including seasonal periods such as Christmas and Easter.
- Licences will **not**, however, be issued for civic events unless the event organisers have identified a need or desire for street trading, in addition to any traders that they have allocated spaces to within the event zone.

### **Criterion 3: Trading at the proposed location must not contravene other legislation**

- Trading must not conflict with Control of Traffic Orders such as waiting restrictions or trading in car parks.
- However, where a car park is closed to form part of an event zone, for the duration of the closure the area will not be regarded as being a car park, and consideration may be given to granting temporary licences.

### **Criterion 4: The location is suitable**

- The location must be suitable with respect to the safety of the public and any risks which may arise, including those due to vehicle movements, on or off road. For example, where trading will be carried out after dusk, will the site be adequately lit to allow safe access and egress from the site for both customers and staff.
- It must be remembered that during events and at seasonal periods increased crowd movement/footfall and other activities may make a site unsuitable. Consideration will be given to the conditions pertaining to the event, e.g. road closures, provision of marshals, off-street activities and venues, numbers of persons anticipated and age profile.
- Trading must not be located where it would obstruct access to or emergency egress from adjoining buildings.
- The trading must not damage the structure or surface of the street, including by grease staining

**Criterion 5: There is insufficient provision of the goods or services already**

- An assessment will be made to determine whether there are already enough persons trading in the goods or services in which the applicant wishes to trade.
- This assessment will take into account other licensed street traders as well as those trading in shops.
- Consideration will be given to the extent to which the sale of the commodity will provide a useful service to the event or occasion not otherwise provided in the area.

**Criterion 6: There is sufficient space to permit trading without causing undue interference or inconvenience to persons or vehicles**

- An assessment as to whether there is sufficient space will take into consideration space taken up by other traders, street furniture, etc.
- There must be sufficient space to ensure that pedestrian and vehicular access / flows is not obstructed, e.g. by forcing pedestrians off the footpath on to a live road.
- There must be sufficient space to permit vehicles to park in a safe manner.
- There must be sufficient space to allow customers to queue safely off road and to visit and leave the site safely.
- Trading must not interfere with sight lines for any road users, including at road junctions, or pedestrian crossing facilities
- Emergency vehicle access must be maintained at all times

**Criterion 7: The nature of the articles, things or services being traded is such that their sale or supply, or their preparation for sale or supply would not adversely affect the general amenity of the area**

- The type of trading must be appropriate to the location.
- The sale or supply, or the preparation for sale or supply, of the product or service must not have a detrimental effect on the surrounding area, e.g. nuisances due to noise, odour and fumes, from cooking operations or use of generators, litter, etc.
- The risk of nuisance may be higher where trading takes places near residential areas
- The potential adverse impact that the trading may have upon the character and appearance of the area in question, e.g. public realm and historic walls

**Criterion 8: The trading is not likely to give rise to reasonable offence or result in anti-social behaviour, public disorder or imminent breaches of the peace**

The sale or supply of the following specified classes of articles or things will not be authorised:

- Age restricted products, including alcohol, fireworks and dangerous weapons, such as knives
- Merchandise that promotes, supports or glorifies hate crime or contravenes Council's "Section 75 duties", which require Council to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.
- Pornographic materials and items containing mature content
- Items that promote, support or glorify proscribed organisations
- Sale of items which, on the advice of the Police Service of Northern Ireland, may result in anti-social behaviour, public disorder or imminent breach of the peace

**In circumstances in which there are more applicants than there are licences available, all other selection criteria being equal, the successful applicant(s) will be chosen by a random selection process.**

These criteria will be made available to any interested person on request.

Council may amend or replace these criteria at any time, without consulting those who may be affected. However, whenever this happens, Council will make the new criteria available and decide any applications on the basis of those criteria.

## **Appendix 1: List of proscribed groups linked to the Northern Ireland conflict**

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### **Republican groups**

- Continuity Army Council
- Cumann na mBan
- Fianna na hEireann
- Irish National Liberation Army
- Irish People's Liberation Organisation
- Irish Republican Army
- Saor Eire

### **Loyalist groups**

- Loyalist Volunteer Force
- Orange Volunteers
- Red Hand Commando
- Red Hand Defenders
- Ulster Defence Association
- Ulster Freedom Fighters
- Ulster Volunteer Force