



Northern Ireland
Assembly

**COMMITTEE FOR
SOCIAL DEVELOPMENT**

**OFFICIAL REPORT
(Hansard)**

**Street Trading Legislation:
Possible Amendments**

17 November 2011

NORTHERN IRELAND ASSEMBLY

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SOCIAL DEVELOPMENT**

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Members present for all or part of the proceedings:

Mr Alex Maskey (Chairperson)
Mr Mickey Brady (Deputy Chairperson)
Mr Sammy Douglas
Mr Mark H Durkan
Mr Alex Easton
Ms Pam Lewis
Mr Fra McCann
Mr David McClarty

Witnesses:

Ms Caroline Hobson) Department for Social Development
Mr Liam Quinn)

The Chairperson:

Liam and Caroline, you are very welcome. Thank you for your time this morning. Without any further ado, I invite you to make your presentation on the possible proposals.

Mr Liam Quinn (Department for Social Development):

Thank you, Chairman. This is just to give the Committee advance warning of possible changes to street trading legislation. I will provide some background, and explain where we stand now. There is not a lot of clarity around the way forward, but I will explain that.

During the 1990s, there was a problem, particularly in Belfast city centre, with street traders

setting up stalls. You might remember that it was a serious issue outside Castle Court and at Corn Market. Following lobbying by Belfast City Council and the Chambers of Commerce, the street trading law was updated through the Street Trading Act (Northern Ireland) 2001. Nearly two years ago, we were informed by our legal advisers that that Act does not comply with the EU directive on services in the internal market. Because this is an EU matter that affects the whole of the UK, the Department for Business, Innovation and Skills (BIS) in Whitehall is taking the lead and is working with our legal team to identify the provisions of the various Acts that need to be amended or repealed.

Local councils across the UK are concerned that any relaxation of the current legislation will have an adverse impact on town centres, which, as we know, are already struggling to compete with out-of-town shopping, internet sales, and so on.

The objective of the UK Departments is to do the minimum that is necessary to comply with the directive in order to try to avoid hurting town centres. This is proving more difficult than first thought. However, the good news is that BIS is keeping the EU Commission updated on its work to try to square the circle. The Commission has indicated that it does not intend to take any enforcement action against the UK while work is being done to address the issue and comply with the directive.

I am sorry that I cannot tell the Committee any more at this stage. This evidence session was first scheduled in August, and I had hoped by this stage to have more clarity on the way forward. What I can say is that any proposed amendments will go to public consultation, probably early next year. That is our best guess. The Committee and the general public will have an opportunity to comment. Given that it is an EU directive, there will be limited room for manoeuvre. That said, we will welcome views in case there are other ways to comply with the directive that will have less impact on town centres.

That is all that we have to say at the moment, Chairman. It is a matter of updating the Committee and letting you know that this is coming down the road. You will probably be lobbied by the Chambers of Commerce and local councils. They will probably not like some of the proposals.

Mr F McCann:

I was on the committee of Belfast City Council that dealt with this issue at the time. There were mixed feelings on how to progress this.

The Chairperson:

You set out your stall on this issue. *[Laughter.]*

Mr F McCann:

I did indeed — long before it was discussed in the city council. As someone who believes that a good, organised street market is beneficial to any town, village or city, if it had have been organised at that stage like many other councils, we would have overcome some of the problems with illegal street trading. The approach that Belfast City Council took at that time was to issue a number of licences throughout the city. That helped to ease the situation. Are you saying that we could get back to a time when people may have the legal right to go back on the streets again to sell their wares?

Mr Quinn:

That is what we are hoping to avoid. We do not want to go back to a total free-for-all. However, we have been told that some of the provisions in our Act are too restrictive. For example, the council has to power to state what type of stall may appear in certain areas. It is that type of area where we are falling foul of the EU directive in respect of freedom in provision of services in the internal market.

Mr F McCann:

You will know that in some European cities the street markets and stalls are usually of a high calibre.

Mr Quinn:

There are separate issues in respect of street trading and markets. Separate legislation covers markets in Northern Ireland. An area can be designated as a market either in statute or when rights have been acquired over time, sometimes going back hundreds of years. We are talking about street trading, when someone obtains a licence and sets up a stall to sell hotdogs, burgers, other food, or other goods.

The Chairperson:

There are no other comments for now. Thank you very much, Liam and Caroline.