

STREET TRADING CONSENT APPLICATION
LICENSING (MISCELLANEOUS) SUB-COMMITTEE

HEARING PROCEDURE

1. The Chairman will open the hearing and introduce members of the Sub-Committee and officers present.
2. The Chairman will ask all other people present to introduce themselves.
3. The Chairman will inform those present that the meeting is being recorded.
4. The Chairman will remind the Applicant that he/she can be represented by a legal representative at his/her own expense.
5. The Licensing Manager will present the report.
6. The Chairman will invite Members of the Sub-Committee and all other parties present to put any relevant questions to the Licensing Manager.
7. The Chairman will invite the Applicant and/or his/her representative to present his/her case and call any witnesses. The Applicant will be allowed a maximum of 10 minutes to present the case.
8. The Chairman will invite Members of the Sub-Committee and all other parties present to put any relevant questions to the Applicant and/or his/her representative.
9. Consultees / Interested Parties will be invited to present their representations or elect a spokesperson (which may be a Councillor) to speak on their behalf. New representations must not be raised. A maximum of 10 minutes will be allowed for the Consultees / Interested Parties to present their case(s). If two or more Consultees / Interested Parties wish to address the Sub-Committee the 10 minutes will be divided between them.
10. The Chairman will invite Members of the Sub-Committee and all other parties present to put any relevant questions to the Consultees / Interested Parties.
11. The Consultees / Interested Parties will be invited to sum up. A maximum of 5 minutes will be allowed.
12. The Applicant will be invited to sum up. A maximum of 5 minutes will be allowed.

- 13. At the conclusion of the hearing all parties, including the Licensing Manager, will be asked to withdraw. The Members of the Sub-Committee, the Legal Adviser and the Committee Services Officer will remain.**
- 14. Once the Sub-Committee has reached its decision, all parties will be invited to return. The Sub-Committee's decision, together with the reasons for the decision, will be announced by the Chairman.**
- 15. The Sub-Committee's decision will be confirmed in writing to the Applicant and those parties who made representations.**

There is no right of appeal against the Council's decision to refuse to grant or revoke a Street Trading Consent.

Please Note:

- 1) **Each application coming before the Licensing Sub-Committee will be treated on its own merits. In determining an application for a Street Trading Consent, the Council will consider the following factors:**
 - (a) **Public Safety** – does the location of the proposed trading site represent or is it likely to represent, a substantial risk to the public and users of the highway? The Council will consider things like important sight lines for CCTV cameras, requirements of emergency vehicles, fire hazards, hygiene and the safety of access to or from the trading site.
 - (b) **Public Order** – does the street trading activity represent, or is it likely to represent, a substantial risk to public order?
 - (c) **The avoidance of public nuisance** – does the street trading activity represent, or is it likely to represent, a substantial risk of nuisance to the public from noise, smell, litter or late night disturbance?
 - (d) **Needs of the area** – are there enough other trading outlets to serve the needs of the area? A Street Trading Consent will not be granted where it is considered that there are already enough traders trading in the vicinity (from shops or other stalls) in goods in which the applicant wishes to trade, or if there is an existing concentration of street traders in the street in which the applicant wishes to trade.
 - (e) **Consultation** - relevant responses from consultees.
 - (f) **Guidance issued under the Local Government Miscellaneous Provisions Act 1982**
 - (g) **Bromsgrove District Council's Street Trading Consent Policy**
2. **The Chairman may require any person who in his/her opinion is behaving in a disruptive manner to leave the meeting, and may refuse to permit that person to return, or permit him/her to return only on such conditions as the Chairman may specify. However, such person may, before the end of the hearing, submit in writing any information which he/she would have been entitled to have given orally at the meeting had he/she not been required to leave.**
3. **Decisions may be taken in the absence of the Applicant or any other party. All notices and representations received from absent parties will be considered.**

4. ***Questioning must not be hostile or intended to unfairly undermine the position of any party.***
5. ***Late evidence will only be considered with the agreement of all parties present.***
6. ***In cases where a decision cannot be given at the end of the hearing, the decision will be made within 5 working days.***
7. ***All meetings are recorded.***