



2001 CHAPTER 8

Licensing of street traders

Discretionary grounds for refusing an application

9.—(1) A council may refuse an application under section 5 on any of the following grounds—

- (a) that—
 - (i) the location at which the applicant wishes to trade as a stationary trader is unsuitable;
 - (ii) the space in the designated street in which the applicant wishes to trade as a stationary trader is inadequate for the applicant to do so without causing undue interference or inconvenience to persons or vehicles using the street;
 - (iii) the area or areas of the district in which the applicant wishes to trade as a mobile trader are unsuitable for the applicant to do so without causing undue interference or inconvenience to persons or vehicles in the area or areas;
 - (iv) there are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade; or
 - (v) the nature of the articles, things or services in which the applicant wishes to trade is such that their sale or supply, or their preparation for sale or supply, would adversely affect the general amenity of the area in which the applicant wishes to trade;
- (b) that the applicant has, in connection with the application, made a statement which he knows to be false in a material particular;

- (c) that the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence;
 - (d) that the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;
 - (e) that the applicant has at any time been granted a street trading licence by the council, which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to the council in respect of the licence;
 - (f) that the applicant has failed to provide the particulars required by the council to deal with the application;
 - (g) that the applicant has failed to provide or identify suitable or adequate arrangements for storing any articles, things or receptacles in or with which he proposes to trade.
- (2) If the council considers that grounds for refusal exist under subsection (1) (d), it may grant the applicant a licence subject to conditions which permit him—
- (a) to trade on fewer days or during a shorter period in each day than is specified in the application; or
 - (b) to trade in a different designated street or in a different area from that specified in the application.