

Item 7

Licensing Procedure Rules Licensing Committee Street Trading Representations

Terms of Reference of the Licensing Committee:

1. Ward Councillors will have no involvement in the decision making process either by voting on the matter or otherwise participating in the Committee's deliberations, except that any ward Member (whether a Member of the Committee or not) may make a statement setting out their views or the views of those they represent. Such a statement may be made immediately after any applicant and/or the Head of Service (or their representative) has made their case and been questioned thereon.

Procedure for hearing representations:

1. The Head of Service, acting on delegated powers (or their representative) can approve, attach specific conditions to, refuse or revoke a Street Trading Consent application. The decision is made upon consideration of the following criteria, and any consultee objections received based on them.
 - a) **Public Safety:** The location of the proposed street trading activity should not present a substantial risk to the public in terms of road safety, obstruction and fire hazard. The term "public" refers to both customers requesting the street trading activity, and other members of the public using the street. In particular reference will be made to the guidelines set out in section 6 on site assessment criteria.
 - b) **Public Order:** The street trading activity should not present a risk to good public order in the locality in which it is situated. Observations from the Hampshire Constabulary will be taken into consideration.
 - c) **Avoidance of Nuisance:** The street trading activity should not present a substantial risk of nuisance from noise, rubbish, potential for the harbourage of vermin, smells or fumes to households and businesses in the vicinity of the proposed street trading site. Observations from Council Officers shall be taken into consideration.
 - d) **Needs of the Area:** The sufficiency of other trading outlets will be taken into consideration in relation to:
 1. The presence of like outlets already existing in the immediate locality of the proposed street trading site.

2. The general needs of a locality, should no comparable outlets exist

Applicants will have to demonstrate to the Council the need for the proposed street trading activity in relation to either points 1 or 2 above, whichever applies.

- e) **Compliance with legal requirements:** The proposed street trading activity should be carried out from a trading unit that complies with the relevant legislation.
 - f) **Consultees Observations:** In relation to points a) – d) above, consideration will also be given to written observations from consultees. Any objections made to the proposed street trading activity will be considered in terms of relevancy and appropriateness to the application that has been made.
 - g) **Permitted Trading Hours:** The Council generally will only permit street trading between 6.00 am and Midnight, in Andover town centre, 22.00hrs in Romsey town centre and until 2.00am elsewhere, on any one day. Any trading outside these hours will have to be approved by the Council. Street Trading outside the guideline hours will be assessed in terms of the criteria detailed above. The Council however retains the right to specify permitted hours of trading that are less than those specified above if local circumstances dictate.
 - h) **Market days:** Those Consent Street licensees who have consent to trade in the town centres will not be able to do so on Market days.
2. Where, acting under delegated powers, the Head of Service is minded to refuse a consent, or to grant a consent subject to conditions, they will notify the applicant accordingly. If the applicant would be aggrieved by a decision in the terms indicated by the Head of Service, then they may within twenty eight days of such notification being received make a written request that their application be considered by the Licensing Committee, and the Licensing Committee will then determine the application in accordance with the procedure set out below. If no such request is made within the twenty eight day period, then the Head of Service will forthwith proceed to issue a decision in the terms indicated in the notification referred to above.
 1. Written objections, representations, petitions, etc will be circulated with the Agenda and will be taken into account by members of the Committee. It will not be possible to circulate any such communications received after the Agenda has been circulated, as both parties must have the opportunity of studying them prior to the meeting. Agenda and papers for consideration will be circulated 5 days before the meeting.

2. At the commencement of the meeting the Chairman will outline the procedure to all those present.
3. The Head of Service (or their representative) will present the facts to the Committee and explain the Recommendation.
4. The Members of the Committee may ask questions of the Head of Service (or their representative).
5. The Applicant may ask questions of the Head of Service (or their representative).
6. Relevant Council Officers and other Consultees may be questioned by:-
 - i. Members of the Committee
 - ii. The Applicant
7. The Applicant may present their case, including calling any witness. The Head of Service (or their representative), any relevant Council Officers, other Consultees and/or Members of the Committee may ask questions of the Applicant or any witness.
8. The Applicant may sum up their case.
9. The Committee will deliberate in private with only its legal adviser and Committee Administrator in attendance. The decision on the matter, and the reasons for it, will be communicated to all those present in open session before the meeting is closed.

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