

GUIDANCE NOTE:

Determination of Street Trading application by Regulatory Services Committee

The role of the Sub-Committee with regard to Street Trading is to determine applications to which objections have been made.

On receipt of a written objection arrangements will be made to have the appeal or application heard at a sub-committee of the Regulatory Services Committee

Once arrangements have been made for the application to be heard by the Sub-Committee, all parties will be advised in writing of the date, time and place where the application will be heard. The Council will endeavour to have applications heard as quickly as reasonably practicable.

A report will be produced by the Licensing Officer. Members of the Sub-Committee and the applicant will be provided with a copy of the report and any supporting documentation. Further copies of the report may be made available on the day of the Sub-Committee.

The person submitting an application will be expected to attend the hearing. The applicant can appear on their own behalf or be represented by a legal representative, or supported by a friend or colleague. The Sub-Committee will follow a set procedure as follows:

Licensing Officer will present report
Applicant will address sub-Committee and may call witnesses to support his application
Sub-Committee may ask questions of Applicant etc.
Summaries of position of parties
Sub-Committee retires to make decision
Return of Sub-Committee to deliver decision.

In determining an application the Sub-Committee will consider both the written and oral submissions relating to the application or representation, as well as the report from the Council's Licensing Officer.

Witnesses may be used, and supporting documentation may be submitted to the Sub-Committee for consideration providing this information is provided at least two working days prior to the hearing commencing. Witnesses and supporting documentation may only be used without prior notice with the agreement of all parties on the day of the hearing.

The Sub-Committee will consider all the evidence presented to it during the hearing and members may ask questions of officers and all other parties. After hearing the evidence presented to it, the Sub-Committee will retire and come to a decision on the application. A decision will be made on the day, and confirmed with a written confirmation to be sent out within 5 working days.

The Sub-Committee will ensure that when it is considering an application, all persons get a proper and fair hearing through:

1. Considering each case on its own merits.
2. Ensuring that the rules of natural justice are applied.
3. Giving all parties sufficient opportunity to present their case, ask questions of officers and members of the Panel and present information for consideration in support of their case.