

## 7.5 CRITERIA FOR THE AWARD OF TEMPORARY STREET TRADING LICENCES

Persons fitting into the first criteria 7.5(1) will be **awarded** a Street Trading Licence subject to the number of pitches being available. If no applicants meet the first criteria, then the District Council shall continue down the following list (in order) until an applicant meet one of the criteria: -

- 7.5 (1) Applicant who currently holds a Street Trading Licence for the DEA and has no relevant convictions in relation to that trading or breaches under Section 9 (Parts b - g inclusive) of the 2001 Street Trading Act.
- 7.5 (2) Applicant who has previously traded within the DEA and has no relevant convictions in relation to that trading or breaches under Section 9 (Parts b - g inclusive) of the 2001 Street Trading Act.
- 7.5 (3) A new Applicant with or without trading history either inside or outside of the District and has no history of relevant trading convictions or breaches under Section 9 (Parts b – g inclusive) of the 2001 Street Trading Act.

Under Section 9 of the Act the Council have discretion for **refusing** an application on the following grounds. In addition, the District Council will apply the following criteria as discretionary grounds for refusal. The Council reserves the right to award a street trading licence where these criteria may apply and subject to any condition to trade that the Council may deem appropriate.

- 7.5 (4) Applicant who has previously traded within the District who has been guilty of a breach under Section 9 of the Act (Parts b - g inclusive).
- 7.5 (5) Applicant who has previously traded outside the District Council area and has been guilty of a breach under Section 9 of the Act (parts b - g inclusive).
- 7.5 (6) Applicant who has previously traded within the District (as a Street Trader under the 2001 Act or 1929 Act) and has been convicted of an offence relating to trading.
- 7.5 (7) Applicant who has previously traded anywhere (as a Street Trader under the 2001 Act of 1929 Act) and has been convicted of an offence relating to trading.

In the situation of <b>two or more</b> Applicants meeting any of the above criteria then the following scores will be awarded to their application and the highest score will be awarded the Licence.	
• 2 or more verbal or written warnings	- minus 5 Points
• Fixed Penalty in previous 12 months (each)	- minus 5 Points
• Breaches under Section 9 of the Street Trading Act 2001 (b-g inclusive) (each)	- minus 5 Points
• Appearance and Appropriateness of stall/vehicle by assessment of the following subject matters: <i>Consumer Protection, Food Hygiene, Health &amp; Safety, Odour, Compatibility of Commodity, Litter control and/or Noise</i>	+ plus 0-8 Points

7.6 Where two or more applicants meet the same criteria the District Council will allocate the licence to trade at the site/area via a **lottery** system.

Where necessary a District Council Elected Member (The Chairperson or Deputy Chair) will carry out the lottery within 2-3 days of the closing date of applications. Applicants will be notified of the results of the lottery within 2 days after the lottery is carried out.