



City of Westminster Act 1999

1999 CHAPTER i

13 Discretionary grounds of refusal

- (1) The council may refuse to grant an application made under section 11 (Applications) of this Act on any of the following grounds:—
- (a) that, in the case of an application for the grant of a licence the council considers that there are enough traders trading in the street or in any street adjoining the street in respect of which the application is made in the goods in which the applicant desires to trade;
 - (b) that the applicant is on account of misconduct or for any other sufficient reason unsuitable to hold a street trading licence;
 - (c) that the applicant has persistently failed to comply with any condition of his street trading licence or a previous street trading licence held by the individual, member of the unincorporated association or partnership or company concerned;
 - (d) that the applicant is an individual who has persistently without reasonable excuse failed to make full personal use of a previous street trading licence;
 - (e) that the applicant is a partnership, unincorporated association or company which has without reasonable excuse persistently failed to avail itself fully of a previous street trading licence;
 - (f) that the applicant has at any time been granted a street trading licence by the council which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to them in respect of the licence;
 - (g) that the applicant has failed to provide or to identify suitable or adequate premises for the storage of any receptacles or perishable goods in which he proposes to trade when street trading is not taking place;
 - (h) that since the grant of a previous street trading licence the licence holder has persistently failed to remove to the place of storage the receptacles used by him for trading or any perishable goods in which he trades;
 - (i) that in the vicinity of the street trading pitch concerned undue disturbance is likely to be caused as a result of the proposed activities of the applicant;
 - (j) that in the case of an application for the grant of a street trading licence—

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (i) the only available position is in that part of the street which is in front of any part of the frontage of a shop or in front of the paved area of the frontage of that shop; and
 - (ii) the articles, things or services mentioned in the application are sold or provided at the shop;
 - (k) that in the case of an application for the grant of a street trading licence—
 - (i) the only available position in the street is within the curtilage of a shop; and
 - (ii) the applicant is not the owner or occupier of the premises comprising the shop.
- (2) If the council consider that grounds for refusal exist under subsection (1) (a), (c), (d), (e) or (i) above they may grant the applicant a licence which permits 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 on a different street trading pitch from that specified in the application; or
 - (c) to trade in goods other than those specified in the application or in only some of the goods so specified.