



City of Westminster Act 1999

1999 CHAPTER i

18 Appeals against refusal, revocation or variation of licences

(1) Any person aggrieved—

- (a) by a decision of the council to refuse an application under section 11 (Applications) of this Act other than on any of the grounds specified in section 12 (Mandatory grounds of refusal) of this Act or to revoke a street trading licence; or
- (b) by a decision of the council to grant a street trading licence on terms other than those sought; or
- (c) by a decision of the council to vary a street trading licence other than by a change to the standard conditions; or
- (d) by the attachment to a street trading licence of any condition other than a condition to which the licence had hitherto been subject or a standard condition; or
- (e) by a prohibition under subsection (2) of section 4 (Itinerant ice cream trading) of this Act;

may appeal to a magistrates' court acting for the area in which the street trading pitch is situated or in which is situated the street to which the prohibition relates.

(2) An appeal under subsection (1) above may be brought—

- (a) in the case of an appeal under subsections (1)(a) to (d) above, at any time before the expiration of the period of 21 days beginning with the date upon which notification in writing is given of the decision;
- (b) in the case of an appeal under paragraph (e) of that subsection, at any time before the expiration of the period of 21 days beginning with the date on which the person aggrieved is informed under subsection (8) of the said section 4 of this Act of the council's resolution to make the prohibition.

(3) A person desiring to appeal against such a decision as is mentioned in subsection (1) above shall give written notice to the magistrates' court and to the council specifying the decision against which he wishes to appeal and the grounds upon which such appeal is made.

Status: This is the original version (as it was originally enacted).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

- (4) An appeal by either party against the decision of the magistrates' court under this section may be made to the Crown Court.
- (5) On an appeal to the magistrates' court or to the Crown Court under this section, the court may make such order as it thinks fit, such order to be limited to the matter which is the subject of the appeal.
- (6) Subject to subsection (7) below, it shall be the duty of the council to give effect to the order of the magistrates' court or the Crown Court.
- (7) The council need not give effect to the order of the magistrates' court until the time for bringing an appeal under subsection (4) above has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.
- (8) Where the council decide to revoke a street trading licence, or to vary its conditions (other than a standard condition) without the consent of the licence holder the revocation or variation shall not take effect until the time for bringing an appeal to the magistrates' court or the Crown Court under subsection (1) or (4) above has expired or where such an appeal is duly brought, until the determination or abandonment of the appeal.
- (9) Notwithstanding the provisions of subsection (8) above where the council—
 - (a) has revoked a street trading licence on the grounds that the licence holder has failed to pay fees and charges due to the council and the licence holder has appealed it shall only be lawful for the licence holder to trade under the authority of that licence, until any appeal has been determined or abandoned, if—
 - (i) all fees and charges due to the council have been paid; and
 - (ii) he continues to pay fees and charges due to the council under that licence;
 - (b) has revoked a street trading licence on any other grounds and the licence holder has appealed the licence holder may continue to trade under the authority of that licence by virtue of subsection (8) above only whilst he continues to pay fees and charges due to the council under that licence.