

Banbridge District Council

STREET TRADING DESIGNATION APPLICATION PROCEDURE

Step by Step Procedure

1. If at any time during the year, a request is received for an area to be considered for Designation as a stationary street trading location, the applicant will be advised that this will be considered at the appropriate time appointed by Banbridge District Council for the determination of such applications. (This will be annually at a time determined by Banbridge District Council.)
2. The person receiving an enquiry for an application form shall ensure that an application form and information pack is posted or collected promptly. A record of the sent application should be recorded in the appropriate way.
3. The received application form will be checked, to ensure it is complete and it should be given a reference number and file opened in accordance with local arrangements.
4. The application form will be passed without delay to the Environmental Health Manager.
5. The Licensing Officer will check the Street Trading Designation application and record it in the Proposed Street Trading Designation Log.
6. Once a year, at the appropriate time the Environmental Health Manager will notify the Director of Environmental Services, who will bring to the Environmental Services Committee a report, requesting permission to start the process, for the passing, or rescinding, or varying a Street Trading Designating Resolution.
7. The Environmental Health Manager will carry out and co-ordinate, the publishing of the required notices and consultation for the Street Trading Designating Resolution, the Director of Environmental Services shall be kept fully informed.
8. Banbridge District Council will publish a notice of its intention to carry out consultation with regard to a Street Trading Designating Resolution in two or more newspapers circulating in the locality.
9. Banbridge District Council will consult with:
 - (a) The Sub-Divisional Commander of the Police Sub-Division in which the streets are situated;
 - (b) The Department for Regional Development as regards that Department's function with respect to roads and regulation of road traffic;

- (c) Banbridge District Council may also consult other persons as it considers appropriate, to include the following:
 - (i) DRD Planning Service.
 - (ii) Northern Ireland Fire Authority.
 - (iii) Banbridge Traders Association.
 - (iv) Dromore Chamber of Commerce.
 - (v) Rathfriland & District Regeneration Co. Ltd.
 - (vi) National Market Traders Federation.
 - (vii) Such other Consultants as it deems appropriate eg. Planner, Road Traffic, Conservation Area Specialist and Commercial Estate Agents.
 - (viii) Nearby Street Trading Licence holders who may be affected.
 - (ix) Business and Commercial premises within 100m of the site in respect of which the application has been received.

- 10. Banbridge District Council will consider the environmental impact of any Street Trading Designation.

- 11. During the consultation Banbridge District Council will determine the suitability of commodity guidelines for each pitch. Banbridge District Council will consult shops (excluding major Department Stores, multiple stores and souvenir shops) and neighbouring Street Trading Licence holders whose businesses include the same or similar commodities within a distance of 100 metres in either direction on the same side of the street.

- 12. Without prejudice to it's right, to take account of any relevant consideration in determining the suitability of each proposed Street Trading Designation, the Council may take into account:
 - (a) The safety of the public and any risks which may arise.
 - (b) The future development plans for the location.
 - (c) The suitability of the site and commodities in relation to the location.
 - (d) The potential adverse impact that street trading may have upon the character and appearance of the area and in particular Conservation Areas and adjacent Listed Buildings.
 - (e) The extent to which the sale of the commodity will provide a useful service to the local community not otherwise provided in the area.

- (f) The potential environmental effects arising from the locality at the proposed designated site and the sale of the commodity. Such as additional litter, cleansing requirements, noise, odour and the possibility of increasing anti-social activities.
 - (g) Any other Statutory ground which it would be appropriate to consider.
 - (h) Complaint arising from or about the current trading location.
 - (i) Any relevant Planning Policy.
13. The Environmental Health Manager shall record the dates of all contact with the Consultees in respect of the applications. All correspondence relating to the application must be kept on the file. Any telephone calls, messages or conversations relating to the application should be recorded on the file.
 14. The Director of Environmental Services shall bring to the Environmental Services Committee a report containing a draft list of streets to be contained within the Street Trading Designating Resolution for their consideration.
 15. Banbridge District Council will publish a 28 Day Notice of its intention to pass the Street Trading Designating Resolution in two or more newspapers circulating in the locality.
 16. Banbridge District Council will consider any representations made to them.
 17. The Environmental Health Manager will arrange contact with any objectors and obtain a written statement of objection. The objector should be advised that it will be necessary to divulge his or her name and address to the applicant. The objector will also be advised it may be necessary for them to appear before Council Committee and if there is an appeal before the Magistrates Court.
 18. If an objector wishes to withdraw an objection, or is unwilling to become involved in Committee proceedings or refuse to make a statement, he or she should be asked to complete a form and the Environmental Health Manager should record this fact on file.
 19. On completion of the investigation the Environmental Health Manager shall make a written report to the Director of Environmental Services recommending the action to be taken in relation to the representation.
 20. If there are objections lodged with respect to the application then the Environmental Health Manager will request a Special Committee Hearing to hear the applicant and objector/s.

21. After a date has been set for the Special Committee, the applicant shall be notified in writing, outlining the basis of the objections and will be invited to appear before the Committee. Notification should be of at least 14 days.
22. After there has been a date set for the Special Committee, the objector/s shall be notified in writing, inviting them to appear before the Committee to outline and justify their objections. Notification should be of at least 14 days.
23. The Environmental Health Manager shall produce a report for the Special Committee and ensure all applicants and objectors are informed.
24. The applicant and objector/s shall be notified in writing of the decision of the Special Committee. The applicant and objector/s will be informed of the date of full Council and given the opportunity to make representation before the full Council if they wish.
25. The applicant and objector/s shall be notified in writing of the ratified decision of the full Council.
26. The Director of Environmental Services shall bring back to the Environmental Services Committee a report containing the final list of streets to be contained within the Street Trading Designating Resolution for their consideration.
27. After Banbridge District Council has passed the Street Trading Designating Resolution, it will specify a date for it to take effect, this date should not be less than 28 days before the date of first publication.
28. Banbridge District Council will publish a Notice to that effect for two consecutive weeks in two or more newspapers, and send a copy of the Notice to those who made representation to the Council.
29. Applications for a Street Trading Licence can then be considered.