



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING (MISCELLANEOUS) SUB-COMMITTEE B

MONDAY 2ND AUGUST 2010 AT 10.00 A.M.

COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors Mrs. R. L. Dent (Chairman), Miss D. H. Campbell JP, D. Hancox, S. P. Shannon, Mrs. M. A. Sherrey JP, L. J. Turner and P. J. Whittaker

AGENDA

LICENSING (MISCELLANEOUS) SUB-COMMITTEE B HEARING PROCEDURE - STREET TRADING CONSENT APPLICATION (Pages 1 - 4)

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest
3. Application for a Street Trading Consent - Biagio Calleia, Brake Lane, Hagley (Pages 5 - 24)
4. Application for a Street Trading Consent - Michael Calleia, Park Road , Hagley (Pages 25 - 40)
5. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting

K DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire B60 1AA

22nd July 2010

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Appendix

STREET TRADING CONSENT APPLICATION LICENSING (MISCELLANEOUS) SUB-COMMITTEE

HEARING PROCEDURE

1. The Chairman will open the hearing and introduce members of the Sub-Committee and officers present.
2. The Chairman will ask all other people present to introduce themselves.
3. The Chairman will inform those present that the meeting is being recorded.
4. The Chairman will remind the Applicant that he/she can be represented by a legal representative at his/her own expense.
5. The Licensing Manager will present the report.
6. The Chairman will invite Members of the Sub-Committee and all other parties present to put any relevant questions to the Licensing Manager.
7. The Chairman will invite the Applicant and/or his/her representative to present his/her case and call any witnesses. The Applicant will be allowed a maximum of 10 minutes to present the case.
8. The Chairman will invite Members of the Sub-Committee and all other parties present to put any relevant questions to the Applicant and/or his/her representative.
9. Consultees / Interested Parties will be invited to present their representations or elect a spokesperson (which may be a Councillor) to speak on their behalf. New representations must not be raised. A maximum of 10 minutes will be allowed for the Consultees / Interested Parties to present their case(s). If two or more Consultees / Interested Parties wish to address the Sub-Committee the 10 minutes will be divided between them.
10. The Chairman will invite Members of the Sub-Committee and all other parties present to put any relevant questions to the Consultees / Interested Parties.
11. The Consultees / Interested Parties will be invited to sum up. A maximum of 5 minutes will be allowed.
12. The Applicant will be invited to sum up. A maximum of 5 minutes will be allowed.

- 13. At the conclusion of the hearing all parties, including the Licensing Manager, will be asked to withdraw. The Members of the Sub-Committee, the Legal Adviser and the Committee Services Officer will remain.**
- 14. Once the Sub-Committee has reached its decision, all parties will be invited to return. The Sub-Committee's decision, together with the reasons for the decision, will be announced by the Chairman.**
- 15. The Sub-Committee's decision will be confirmed in writing to the Applicant and those parties who made representations.**

There is no right of appeal against the Council's decision to refuse to grant or revoke a Street Trading Consent.

Please Note:

- 1) **Each application coming before the Licensing Sub-Committee will be treated on its own merits. In determining an application for a Street Trading Consent, the Council will consider the following factors:**
 - (a) **Public Safety** – does the location of the proposed trading site represent or is it likely to represent, a substantial risk to the public and users of the highway? The Council will consider things like important sight lines for CCTV cameras, requirements of emergency vehicles, fire hazards, hygiene and the safety of access to or from the trading site.
 - (b) **Public Order** – does the street trading activity represent, or is it likely to represent, a substantial risk to public order?
 - (c) **The avoidance of public nuisance** – does the street trading activity represent, or is it likely to represent, a substantial risk of nuisance to the public from noise, smell, litter or late night disturbance?
 - (d) **Needs of the area** – are there enough other trading outlets to serve the needs of the area? A Street Trading Consent will not be granted where it is considered that there are already enough traders trading in the vicinity (from shops or other stalls) in goods in which the applicant wishes to trade, or if there is an existing concentration of street traders in the street in which the applicant wishes to trade.
 - (e) **Consultation** - relevant responses from consultees.
 - (f) **Guidance issued under the Local Government Miscellaneous Provisions Act 1982**
 - (g) **Bromsgrove District Council's Street Trading Consent Policy**
2. **The Chairman may require any person who in his/her opinion is behaving in a disruptive manner to leave the meeting, and may refuse to permit that person to return, or permit him/her to return only on such conditions as the Chairman may specify. However, such person may, before the end of the hearing, submit in writing any information which he/she would have been entitled to have given orally at the meeting had he/she not been required to leave.**
3. **Decisions may be taken in the absence of the Applicant or any other party. All notices and representations received from absent parties will be considered.**

4. ***Questioning must not be hostile or intended to unfairly undermine the position of any party.***
5. ***Late evidence will only be considered with the agreement of all parties present.***
6. ***In cases where a decision cannot be given at the end of the hearing, the decision will be made within 5 working days.***
7. ***All meetings are recorded.***

BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

2ND AUGUST 2010

STREET TRADING CONSENT - APPLICATION

Relevant Portfolio Holder	Cllr. P. Whittaker
Relevant Head of Service	Head of Planning and Environment Services
Key Decision / Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 To consider an application to permit street trading in respect of Biagio Calleia who is a trader providing ice cream from a mobile ice cream van. The trading will consist of a mobile unit stopping outside the school in Brake Lane for two and a half hours each day to coincide with the end of the school day.
- 1.2 To trade in a mobile ice cream unit stopping for short periods on a set route incorporating streets in Hagley which are listed below:-
- Meadowcroft
 - Cavendish Drive
 - Milestone Drive
 - Willow Close
 - The Greenway

2. RECOMMENDATIONS

- 2.1 That Members determine the application. The application may be:
- 2.1.1 granted in whole or in part (with additional conditions, if appropriate) and subject to Mr Calleia producing a trade waste agreement as set out at 12.1 of the Street Trading Policy;
- or,
- 2.1.2 refused,
- provided that the Sub-Committee's decision is consistent with the Council's Street Trading Consent Policy.

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3. BACKGROUND

3.1 In accordance with the Street Trading Policy, a responsible authority is entitled to make representations. Responsible authorities include:-

- the Highways Authority – Worcestershire County Council;
- the Chief Officer of Police;
- the Council's Environmental Health team;
- the Council's Street Scene and Community Services team;
- the Council's Economic Development team;
- Trading Standards;
- the Parish Council (if any) in which the Trading Unit is to be located;,
- the Ward Councillors

3.2 In accordance with the Street Trading Policy, the owners/occupiers of any properties near to the proposed location of the trading site for which an application has been made are entitled to make representations. "Near to" is not defined in the Street Trading Consent Policy.

4. KEY ISSUES

4.1 The Licensing Authority has received an application to conduct Street Trading, in accordance with the Street Trading Policy at the above 1.2 mentioned sites. Please see Appendix A

4.2 The application is seeking the following permissions:

Street Trading

- 01.30 p.m. – 04:30pm Monday to Friday;

Actual opening hours

- 01.30 p.m. – 04:30pm Monday to Friday;

4.3 Representations have been received from two of the responsible authorities namely Hagley Parish Council and the Ward Councillor for Hagley. Please see Appendix B.

4.4 Properties near to the proposed round as specified in 3.2 and 1.2 above have been notified and letters of objection have been received. Please see Appendix C

BROMSGROVE DISTRICT COUNCIL

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- 4.5 A plan indicating the location of the proposed street trading site is attached at Appendix D
- 4.6 A photograph of the Ice Cream Van can be found at Appendix E.
- 4.7 Mr. Biagio Calleia has been invited to the meeting to put forward his case.
- 4.8 All those making objections to this application have been invited to the meeting so they can put forward their case.

5. FINANCIAL IMPLICATIONS

- 5.1 Paragraph 6.4 of the Street Trading Consent Policy states if an application for a Street Trading Consent is refused the Council will refund the fee in full.

6. LEGAL IMPLICATIONS

- 6.1 The Local Government Miscellaneous Provisions Act 1982 section 3 empowers local authorities to designate all or part of their areas for the purposes of street trading. Schedule 4 of that Act specifies the procedure for resolving to designate streets, and for issuing Street Trading Consents.
- 6.2 Paragraph 7 of Schedule 4 of the Act permits the Council to grant a Street Trading Consent if they think fit and to attach conditions to it as they consider reasonable necessary to prevent obstruction of the street or danger to persons using it; or nuisance or annoyance (whether to persons using the street or otherwise). Model Conditions are included within the Bromsgrove District Council, Street Trading Policy.
- 6.3 Paragraph 8 of Schedule 4 of the Act, further permits the Council to include in a Street Trading Consent permission for its holder to trade in a Consent Street from a stationary van, cart, barrow or other vehicle or from a portable stall.
- 6.4 Paragraph 10 of Schedule 4 of the Act states that a Street Trading Consent may be granted for any period not exceeding 12 months, but may be revoked at any time.
- 6.5 There is no right of appeal against the refusal to grant a Street Trading Consent.
- 6.6 The Sub-Committee must have regard to the Street Trading Consent Policy adopted by Bromsgrove District Council on 20th January 2010.

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6.7 The Sub-Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights.

7. POLICY IMPLICATIONS

7.1 The Sub-Committee must have regard to the Street Trading Consent Policy adopted by Bromsgrove District Council on 20th January 2010

8. COUNCIL OBJECTIVES

8.1 CO1 – Regeneration, Priority Economic Development

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

9.1 The main risk associated with the details included in this report are:

- Decision made without having regard to Council Policy.

9.2 This risk is being managed as follows:

- Adhere to all licensing policies and legislation when determining applications for all licensing functions.
- Risk Register: Planning and Environment Services
- Key Objective Ref No. 8

10. CUSTOMER IMPLICATIONS

10.1 All parties will be notified of the Council's decision in writing.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 All applicants are dealt with on their own individual merits are accepted in line with legislation and Council Policy.

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 None.

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13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 None.

14. HUMAN RESOURCES IMPLICATIONS

14.1 None

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

15.1 None

**16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF
CRIME AND DISORDER ACT 1998**

16.1 None

17. HEALTH INEQUALITIES IMPLICATIONS

17.1 None

18. LESSONS LEARNT

18.1 None

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 None

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	No
Executive Director (S151 Officer)	No
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No

BROMSGROVE DISTRICT COUNCIL

**LICENSING
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2ND AUGUST 2010

Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	No
Corporate Procurement Team	No

21. WARDS AFFECTED

This report affects the Wards of Hagley & Furlongs

22. APPENDICES

Appendix A – Application
Appendix B – Letters of Representation from responsible authorities
Appendix C – Letters of representation from local residents
Appendix D - Location plan of the proposed site
Appendix E - Photograph of the Ice Cream Van.

23. BACKGROUND PAPERS

Street Trading Policy

AUTHOR OF REPORT

Name: Sue Garratt – Licensing Manager
E Mail: sue.garratt@redditchbc.gov.uk or
s.garratt@bromsgrove.gov.uk
Tel: (01527) 534100

Application for a Street Trading Consent



Full Name

Biagio Carleia - Midland Super Cream Ltd

Full Residential Address

[Redacted]

Telephone No.

[Redacted]

Email

[Redacted]

National Insurance No.

Business Applicant

I hereby apply for GRANT / RENEWAL of a Street Trading Consent to sell goods in the street as a mobile trader

Hours/Days of Operation

Monday	1.30 - 4.30 pm	Friday	
Tuesday	Each Day	Saturday	
Wednesday		Sunday	
Thursday			

To sell (describe articles to be sold)

Ice cream from a mobile ice cream van

Proposed trading location (please also attach map showing exact location)

See note at foot of map

The mobile unit is kept at the following address when not trading

Midland Super Cream Ltd
Bull St Silver End, Brierley Hill B15 3EA

Description of mobile unit, including dimensions

Meredes Ice Cream Van. Approx Dimensions
Length 15ft | Width 5ft | Height 8'4"

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HAGLEY PARISH COUNCIL

www.hagleyparishcouncil.gov.uk

*Mrs C. M. Humphries
Clerk to the Council
Tel: 01562 881727
Fax: 01562 881718*



*744 Worcester Road
HAGLEY
Worcestershire
DY9 0NJ*

25th March 2010

John Davies
Licensing Assistant
Planning and Environment Services
Bromsgrove District Council
The Council House
Burcot Lane
Bromsgrove
Worcestershire
B60 1AA

Dear Mr Davies

**Street Trading consent for Brake Lane, Hagley: Biagio Calleia – Midland Super Cream
Street Trading consent for Park Road, Hagley: Michael Calleia – Midland Super Cream**

Hagley Parish Council believes that this type of application targets school students from Hagley Primary School (Park Rd) at Haybridge and Hagley Catholic High School students (Brake Lane). This is obviously pushing the 'pester power' ticket where parents collect the children or students buying 'snacks' and ice creams to consume on the way home. Hagley Parish Council objects to both of these application which should be discouraged in the interests of:

- * Discouraging easily accessible less healthy snacks to school children.
- * The parked ice cream van takes no regard to parking on double yellow lines or in a position which causes a hazard for other road users.
- * There is a cause for concern for children to be distracted when crossing the roads etc.
- * Litter is dropped by the children on the way home.

Although Hagley Parish Council cannot officially speak for the head teachers at the three school sites (Ms. Hoddinott at Haybridge High School, Mr. Hammond at Hagley Catholic High School and Mr. Bailey at Hagley Primary School) it knows from past correspondence that they too object to this form of street trading. Can you please ensure that they are consulted too?

These impacts are applicable to any application wishing to operate in these locations and therefore no application should be approved which target students leaving the schools at the end of the day.

John Davies

From: Steven Colella
Sent: 12 March 2010 18:17
To:

Cc:

Subject: RE: Street Trading Consent Biagio Calleia - Midland Super Cream

Dear All

I'd agree with Peter. This applicant targets school students from primary, middle and 6th formers at Haybridge, Hagley Roman Catholic and Hagley Primary School children and students. This is obviously pushing the 'pester power' ticket where parents collect the children or students buying 'snacks' and ice creams to consume on the way home. This should be discouraged in the interests of;

- * Discouraging easily accessible less healthy snacks to school children.
- * The parked ice cream van takes no regard to parking on double yellow lines or in a position which causes a hazard for other road users.
- * There is a cause for concern for children to be distracted when crossing the roads etc.
- *Litter is dropped by the children on the way home.

Although I can't officially speak for the head teachers at the three school sites (Mrs. Hoddinott at Haybridge High School, Mr. Hammond at Hagley Roman Catholic and Mr. Bailey at Hagley Primary School I know from past correspondence that they too object to this form of street trading. Can you please ensure that they are consulted?

These impacts are applicable to any application wishing to operate in these locations. I'd support rejecting this and similar applications.

Hope this helps.

Regards

Steve

Steve Colella

Steve Colella
(Bromsgrove District Councillor - Hagley Ward)
24 Lodge Crescent
Hagley
DY9 0NB

HOME: 01562 882996
MOBILE: 07758 739 901

John Davies

26th March 2010

Licensing Assistant

Planning and Environment Services

Bromsgrove District Council

The Council House

Burcot Lane

Bromsgrove

Worcestershire, B60 1AA

Dear Mr Davies,

Street Trading consent for Brake Lane & Park Road, Hagley: Michael and Biagio Calleia – Midland Super Cream

The Staff and Governors at Haybridge High School strongly object to both of these applications which directly affect the safety and wellbeing of our pupils, staff and the immediate community.

We regularly bear witness to students dashing across Break Lane in a rush to get to the ice cream van. Whilst we ensure that there is always a member of the Senior Leadership Team on the gate at the end of the school day, it is impossible to prevent individual students from running across the road.

The location of the van itself causes nuisance to other road users, which entails them taking additional risks in their driving and creating yet more hazards for our students trying to cross the road.

The school prides itself on meeting Government targets for healthy eating. The location of this ice cream van (right outside the school), enables students to purchase not only ice creams, but an array of confectionary and fizzy drinks. This disregards government guidelines and makes a mockery of the work that schools do in trying to encourage young people to adopt a healthy lifestyle.

Our other major concern is litter, not only does the school suffer the additional litter from the wrappers and packaging of the confectionary, but much of this is also contributing the litter along Brake Lane, the park and the village in general. This is having a direct impact on the community for which all the schools work hard to engage and build relationships with.

In summary, we would strongly urge that this application is rejected on the basis of the safety of students and other road users, contravening governing requirements on healthy eating for schools and increased litter.

Yours sincerely,



T 01562 886213
F 01562 887002
E office@haybridge.worcs.sch.uk
W www.haybridge.worcs.sch.uk

Hagley Catholic High School



Specialist School in the Visual & Performing Arts
Patron Saint: St Nicholas Owen

Licensing, Planning & Environmental Services
Bromsgrove District Council
The Council House
Burcot Lane
Bromsgrove
Worcestershire
B60 1AA

25 March 2010

Dear Mr Davies,

Application for street trading in Brake Lane Hagley by Midland Super Cream

Thank you for your consultation letter of the 17 March 2010, I duly set out below the formal response of the School.

Both I, as Headteacher, and the Governors of the School wish to object to this application in the strongest possible terms. Street trading of this nature in the vicinity of the school poses very serious health and safety issues for over one thousand pupils at this school. I set out below the specific details of our main objections:

Public Safety

- a) The school timetable for pm lessons runs from 1.00pm to 3.30pm. Midland Super Cream currently park their vehicle outside the school gates from around midday and they wish to do so from 1.30pm under this application. The presence of their vehicle encourages pupils to leave the site at lunch time and also between lessons during the afternoon session. This places pupils in danger on a number of levels and ties up valuable staff time in our attempts to police the situation. It also makes some pupils late for lessons and disrupts the education of many more.
- b) At the close of the day (3.30pm) pupils rush from lessons to beat the queue to buy sweets before they catch their contract bus home. This causes pupils to rush, run between parked vehicles on the car park and can cause disputes to erupt. Pupils have also been known to miss their bus home as a result.

Public Nuisance

- c) Footpaths can at peak times be blocked by the queue of pupils waiting to be served. This does not endear us to our neighbours as it causes mobility issues for those trying to use the footpath and is especially difficult for mothers with pushchairs.



arts colleges



Eco-Schools



Healthy School



Fair Trade School



INVESTOR IN PEOPLE

Brake Lane, Hagley, Worcestershire, DY8 3AG Telephone: 01562 883193 - Fax: 01562 881820

Website: www.hagley.c.worcsch.sch.uk Paulette Bagge Headteacher: Mr T Hammond

A Voluntary Aided High School within the Archdiocese of Birmingham and Worcestershire County Council

- d) The discarded wrappers from items sold causes litter problems on our site, in the surrounding area and on the contract buses used to transport children home.
- e) We believe that chewing/bubble gum is sold. The ill effects of this on the environment are obvious but it causes particular issues on the school to home buses

Other

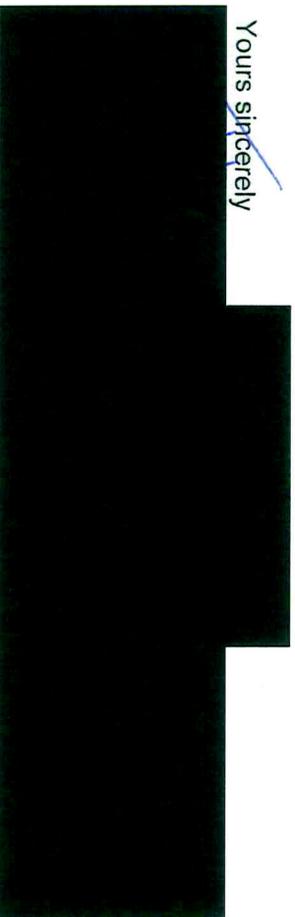
- f) The range of products offered by Midland Super Cream is in direct conflict with the Government's School Nutritional Standards requirements that all schools are responsible for meeting. The clear aim of this initiative is a healthier future for all young people. Midland Super Cream trade in generally unhealthy nutritional choices such as sweets, ice cream, crisps/fried snacks. Their presence encourages and would, if granted a licence, continue to encourage pupils to use the money they are given by their parents to spend on the healthy food choices in school for unhealthy choices at the school gate.

All of the above problems are of course compounded by the close proximity of Haybidge High School with its twelve hundred pupils.

We are aware that Officers from Hagley Police Station share our concerns and we ask that you also consult PC Chris Lord with regard to this application.

We trust that this document sets out a clear, well reasoned and strong objection to the granting of this licence.

Yours sincerely

A large black rectangular redaction box covers the signature area, obscuring the name and any handwritten notes or dates.



Licensing
Planning & Environment Services
Bromsgrove District Council

28th March 2010

Dear Sir / Madame,

Re; Street trading consent application for a mobile Ice Cream Van in the Brake Lane Area of Hagley.

We wish to object to the proposed application based on the following Street Trading Consent Criteria;

4.1a) With two large secondary schools opposite each other on Brake Lane, the road is extremely busy in the afternoons at the end of the school day. It is already difficult to pass as it is a narrow road congested with large school coaches / buses and inconsiderate / illegal parking. Likewise, the footpaths are crowded. There is only one way out of Brake Lane for both the large amount of traffic related to the schools and for the residents who live past the schools. To get out of Brake Lane for residents like ourselves can take 15 minutes at this congested time in the afternoon.

4.1c) The school children already leave a lot of litter on / around the road and undoubtedly an ice-cream van will exacerbate this.

4.1d) There is already an ice-cream van parked on Brake Lane. This is in addition to the van that parks outside the Primary School on Park Road, just a few hundred yards away. The high street also has a newsagent and Spar 'mini-mart', so there is no shortage of existing opportunities to purchase ice-creams, soft drinks and confectionary.

We wish to object to the application on the following General criteria;

The trader will not be bringing in new products to enhance the vitality of the area. These needs are already adequately provided.

We are at the start of a crisis of obesity in this country and we do not help our children if we tempt them with yet another opportunity to eat unnatural, processed foods with high sugar, fat and calorie contents. Every day, our children attend Hagley Primary which calls itself a 'Healthy School'. Children are not allowed crisps, biscuits and only have water for drinks. The irony is that they then walk out of school each day to be faced by an ice-cream van parked 10 yards from the school entrance. This makes a complete mockery of the message the school and ourselves are trying to give them.

Permission for this additional van would mean that in the ten minute walk home from school our children would have to pass three such vans. We cannot see any possible justification for approving this application.

Yours Sincerely,



1st April, 2010



Dear Sirs,

Reference attached copy application.

Objection – due to already embedded litter problem outside the Brake and outside schools, continuing along Brake Lane.

And

Objection – adding to vehicle congestion outside the Brake and outside the schools located on Brake Lane.

Yours faithfully

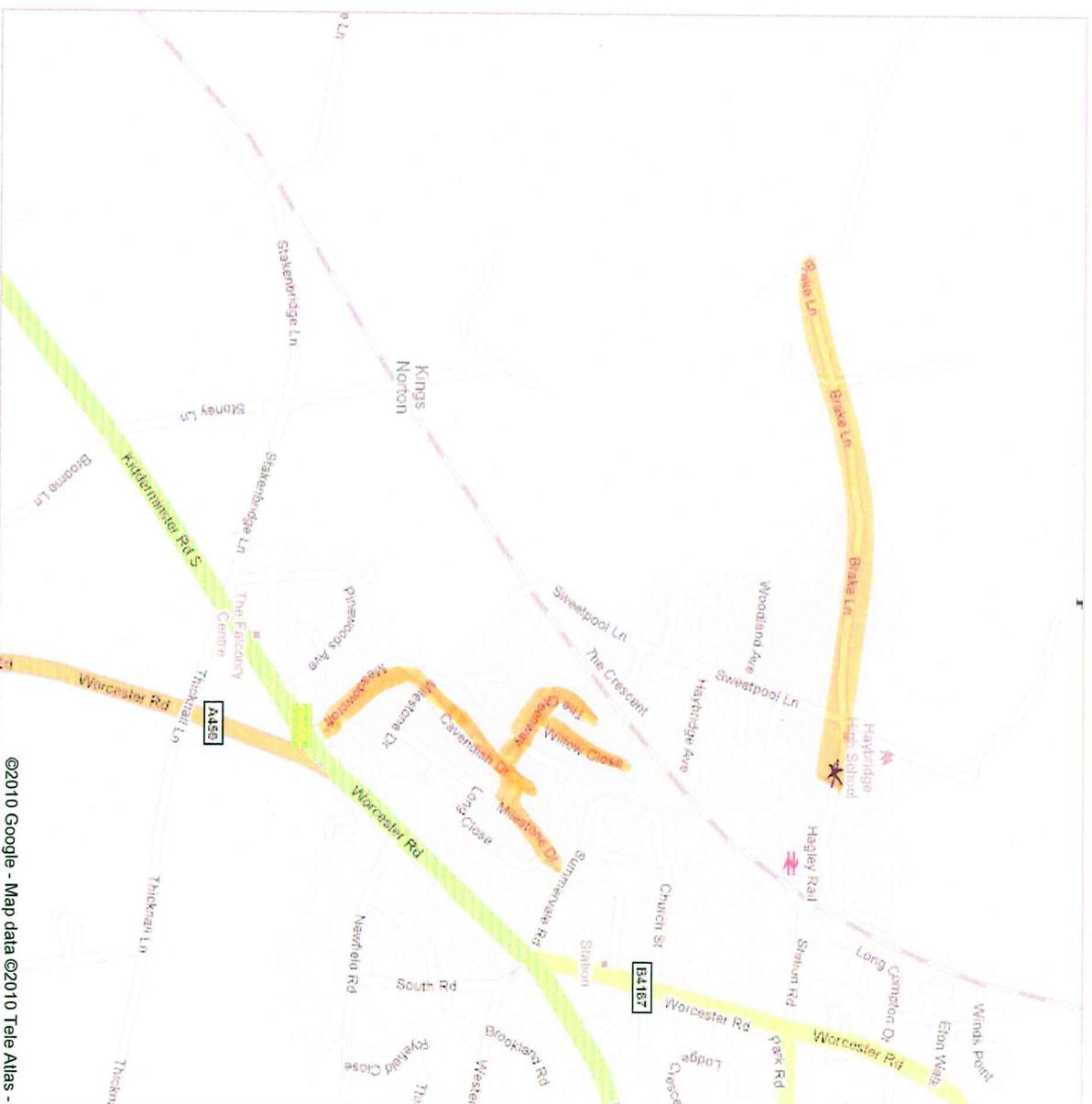


Bromsgrove District Council
Planning and Environmental Services
Planning Administration
The Council House
Burcot Lane
Bromsgrove
B60 1AA

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APPENDIX D

Google maps
UK
Address Brake Ln
Hagley
Stourbridge, West Midlands DY8,
UK



Proposed Training Location

From the map you see that I trade in several different streets as is the nature of my business as an ice cream mobile. I trade for around 2 1/2 hours each day in Brake Lane about 1 hour to the pupils leaving school which I have been doing for the past 12 plus years

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Appendix E



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BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

2ND AUGUST 2010

STREET TRADING CONSENT - APPLICATION

Relevant Portfolio Holder	Cllr. P. Whittaker
Relevant Head of Service	Head of Planning and Environment Services
Key Decision / Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 To consider an application to permit street trading in respect of Michael Calleia who is a trader providing ice cream from a mobile ice cream van. The trading will consist of a mobile unit stopping outside the school in Park Road for thirty minutes each day to coincide with the end of the school day.
- 1.2 To trade in a mobile ice cream unit stopping for short periods on a set route incorporating streets in Hagley which are listed below:-
- Winds Point
 - Eton Walk
 - Long Compton Drive
 - Worcester Road

2. RECOMMENDATIONS

- 2.1 That Members determine the application. The application may be:
- 2.1.1 granted in whole or in part (with additional conditions, if appropriate) and subject to Mr Calleia producing a trade waste agreement as set out at 12.1 of the Street Trading Policy;
- or,
- 2.1.2 refused,
- provided that the Sub-Committee's decision is consistent with the Council's Street Trading Consent Policy.

**LICENSING
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3. BACKGROUND

3.1 In accordance with the Street Trading Policy, a responsible authority is entitled to make representations. Responsible authorities include:-

- the Highways Authority – Worcestershire County Council;
- the Chief Officer of Police;
- the Council's Environmental Health team;
- the Council's Street Scene and Community Services team;
- the Council's Economic Development team;
- Trading Standards;
- the Parish Council (if any) in which the Trading Unit is to be located,;
- the Ward Councillors

3.2 In accordance with the Street Trading Policy, the owners/occupiers of any properties near to the proposed location of the trading site for which an application has been made are entitled to make representations. "Near to" is not defined in the Street Trading Consent Policy.

4. KEY ISSUES

4.1 The Licensing Authority has received an application to conduct Street Trading, in accordance with the Street Trading Policy at the above 1.2 mentioned sites. Please see Appendix A.

4.2 The application is seeking the following permissions:

Street Trading

- 02:00 p.m. – 04:30pm Monday to Friday;

Actual opening hours

- 02:00 p.m. – 04:30pm Monday to Friday;

4.3 A representation has been received from one of the responsible authorities namely Hagley Parish Council. Please see Appendix B.

4.4 Properties near to the proposed round as specified in 3.2 and 1.2 above have been notified and a letter of objection has been received. Please see Appendix C

**LICENSING
SUB-COMMITTEE**

2ND AUGUST 2010

- 4.5 A plan indicating the location of the proposed street trading site is attached at Appendix D
- 4.6 A photograph of the Ice Cream Van can be found at Appendix E.
- 4.7 Mr. Michael Calleia has been invited to the meeting to put forward his case.
- 4.8 All those making objections to this application have been invited to the meeting so they can put forward their case.

5. FINANCIAL IMPLICATIONS

- 5.1 Paragraph 6.4 of the Street Trading Consent Policy states if an application for a Street Trading Consent is refused the Council will refund the fee in full.

6. LEGAL IMPLICATIONS

- 6.1 The Local Government Miscellaneous Provisions Act 1982 section 3 empowers local authorities to designate all or part of their areas for the purposes of street trading. Schedule 4 of that Act specifies the procedure for resolving to designate streets, and for issuing Street Trading Consents.
- 6.2 Paragraph 7 of Schedule 4 of the Act permits the Council to grant a Street Trading Consent if they think fit and to attach conditions to it as they consider reasonable necessary to prevent obstruction of the street or danger to persons using it; or nuisance or annoyance (whether to persons using the street or otherwise). Model Conditions are included within the Bromsgrove District Council, Street Trading Policy
- 6.3 Paragraph 8 of Schedule 4 of the Act, further permits the Council to include in a Street Trading Consent permission for its holder to trade in a Consent Street from a stationary van, cart, barrow or other vehicle or from a portable stall.
- 6.4 Paragraph 10 of Schedule 4 of the Act states that a Street Trading Consent may be granted for any period not exceeding 12 months, but may be revoked at any time.
- 6.5 There is no right of appeal against the refusal to grant a Street Trading Consent.

BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

2ND AUGUST 2010

6.6 The Sub-Committee must have regard to the Street Trading Consent Policy adopted by Bromsgrove District Council on 20th January 2010.

6.7 The Sub-Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights.

7. POLICY IMPLICATIONS

7.1 The Sub-Committee must have regard to the Street Trading Consent Policy adopted by Bromsgrove District Council on 20th January 2010

8. COUNCIL OBJECTIVES

8.1 CO1 – Regeneration, Priority Economic Development

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

9.1 The main risk associated with the details included in this report are:

- Decision made without having regard to Council Policy.

9.2 This risk is being managed as follows:

- Adhere to all licensing policies and legislation when determining applications for all licensing functions.
- Risk Register: Planning and Environment Services
- Key Objective Ref No. 8

10. CUSTOMER IMPLICATIONS

10.1 All parties will be notified of the Council's decision in writing.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 All applicants are dealt with on their own individual merits are accepted in line with legislation and Council Policy.

**LICENSING
SUB-COMMITTEE**

2ND AUGUST 2010

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 None.

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 None.

14. HUMAN RESOURCES IMPLICATIONS

14.1 None

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

15.1 None

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

16.1 None

17. HEALTH INEQUALITIES IMPLICATIONS

17.1 None

18. LESSONS LEARNT

18.1 None

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 None

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	No
Executive Director (S151 Officer)	No
Executive Director – Leisure, Cultural,	No

BROMSGROVE DISTRICT COUNCIL

**LICENSING
SUB-COMMITTEE**

2ND AUGUST 2010

Environmental and Community Services	
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	No
Corporate Procurement Team	No

21. WARDS AFFECTED

This report affects the Ward of Hagley.

22. APPENDICES

Appendix A – Application
Appendix B – Letter of Representation from responsible authority
Appendix C – Letter of representation from local resident
Appendix D - Location plan of the proposed site
Appendix E - Photograph of the Ice Cream Van.

23. BACKGROUND PAPERS

Street Trading Policy

AUTHOR OF REPORT

Name: Sue Garratt – Licensing Manager
E Mail: sue.garratt@redditchbc.gov.uk or
s.garratt@bromsgrove.gov.uk
Tel: (01527) 534100

Tel: (01527) 881473

£552-00
11/3/10

Application for a Street Trading Consent



Full Name

MICHAEL CALLEJA : MIDLAND SUPER CREAM LTD

Full Residential Address

[Redacted Address]

Telephone No.

[Redacted Telephone Number]

Email

[Redacted Email Address]

National Insurance No.

Business applicat

I hereby apply for GRANT RENEWAL of a Street Trading Consent to sell goods in the street as a mobile trader

Hours/Days of Operation

Monday		Friday	
Tuesday	↑ 2 pm to 4.30pm ↓	Saturday	
Wednesday	Each Day	Sunday	
Thursday			

To sell (describe articles to be sold)

ICE CREAM FROM A MOBILE ICE CREAM VAN

Proposed trading location (please also attach map showing exact location)

see note at back of map

The mobile unit is kept at the following address when not trading

Midland Super Cream Ltd.
Bull 8V Silver End Brierley Hill DY15 3RN

Description of mobile unit, including dimensions

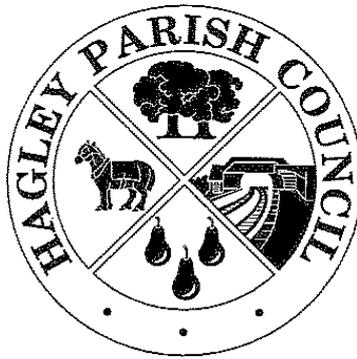
Mercedes Ice Cream Van. APPRO DIMENSIONS
Length 15'11" Width 5'4" Page 31 8'14"

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HAGLEY PARISH COUNCIL

www.hagleyparishcouncil.gov.uk

*Mrs C. M. Humphries
Clerk to the Council
Tel: 01562 881727
Fax: 01562 881718*



*74A Worcester Road
HAGLEY
Worcestershire
DY9 ONJ*

John Davies
Licensing Assistant
Planning and Environment Services
Bromsgrove District Council
The Council House
Burcot Lane
Bromsgrove
Worcestershire
B60 1AA

25th March 2010

Dear Mr Davies

Street Trading consent for Brake Lane, Hagley: Biagio Calleia – Midland Super Cream
Street Trading consent for Park Road, Hagley: Michael Calleia – Midland Super Cream

Hagley Parish Council believes that this type of application targets school students from Hagley Primary School (Park Rd) at Haybridge and Hagley Catholic High School students (Brake Lane). This is obviously pushing the 'pester power' ticket where parents collect the children or students buying 'snacks' and ice creams to consume on the way home. Hagley Parish Council objects to both of these application which should be discouraged in the interests of:

- * Discouraging easily accessible less healthy snacks to school children.
- * The parked ice cream van takes no regard to parking on double yellow lines or in a position which causes a hazard for other road users.
- * There is a cause for concern for children to be distracted when crossing the roads etc.
- * Litter is dropped by the children on the way home.

Although Hagley Parish Council cannot officially speak for the head teachers at the three school sites (Ms. Hoddinott at Haybridge High School, Mr. Hammond at Hagley Catholic High School and Mr. Bailey at Hagley Primary School) it knows from past correspondence that they too object to this form of street trading. Can you please ensure that they are consulted too?

These impacts are applicable to any application wishing to operate in these locations and therefore no application should be approved which target students leaving the schools at the end of the day.

APPENDIX B

Equally Hagley Parish Council is concerned that the applicants will move to positions away from the immediate vicinity of the schools but bring the same concerns to neighbouring streets. The applicants should be discouraged from merely parking elsewhere.

Yours sincerely

Catherine Humphries
Clerk to the Council

John Davies

26th March 2010

Licensing Assistant

Planning and Environment Services

Bromsgrove District Council

The Council House

Burcot Lane

Bromsgrove

Worcestershire, B60 1AA

Dear Mr Davies,

Street Trading consent for Brake Lane & Park Road, Hagley: Michael and Biagio Calleja – Midland Super Cream

The Staff and Governors at Haybridge High School strongly object to both of these applications which directly affect the safety and wellbeing of our pupils, staff and the immediate community.

We regularly bear witness to students dashing across Brake Lane in a rush to get to the ice cream van. Whilst we ensure that there is always a member of the Senior Leadership Team on the gate at the end of the school day, it is impossible to prevent individual students from running across the road.

The location of the van itself causes nuisance to other road users, which entails them taking additional risks in their driving and creating yet more hazards for our students trying to cross the road.

The school prides itself on meeting Government targets for healthy eating. The location of this ice cream van (right outside the school), enables students to purchase not only ice creams, but an array of confectionary and fizzy drinks. This disregards government guidelines and makes a mockery of the work that schools do in trying to encourage young people to adopt a healthy lifestyle.

Our other major concern is litter, not only does the school suffer the additional litter from the wrappers and packaging of the confectionary, but much of this is also contributing the litter along Brake Lane, the park and the village in general. This is having a direct impact on the community for which all the schools work hard to engage and build relationships with.

In summary, we would strongly urge that this application is rejected on the basis of the safety of students and other road users, contravening governing requirements on healthy eating for schools and increased litter.

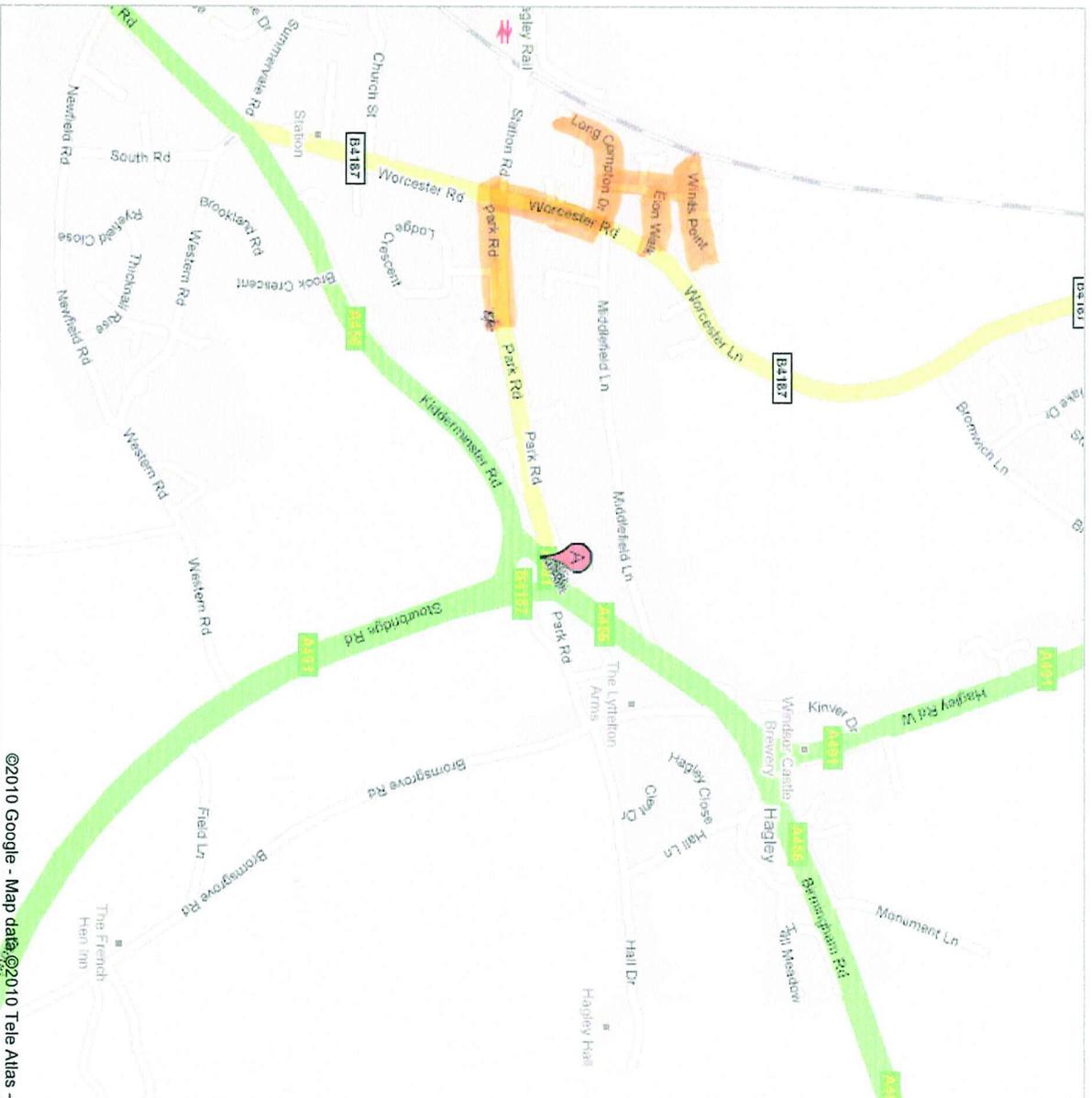
Yours sincerely,



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Appendix D

Google maps Address Park Rd
Hagley
Worcestershire DY9 0, UK



PROPOSED TRAPPING LOCATION

From the map you see that I trade in several different streets as is the nature of my business as an ice cream mobile. I trade for around 1/2 hour each day in Park Rd. at home time to the children leaving school which I have been doing for the past eleven years.

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Appendix E



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