



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING (MISCELLANEOUS) SUB-COMMITTEE B

THURSDAY 5TH AUGUST 2010 AT 10.00 A.M.

COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors Mrs. C. J. Spencer (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 (Pages 1 - 4)

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest
3. Application for a Street Trading Consent - Anthony Charles Woolley, Slideslow Lay-by, Stratford Road, Bromsgrove (Pages 5 - 28)
4. 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
5. Exclusion of the Public

[Should it prove necessary, in the opinion of the Chief Executive, to exclude the public from the meeting at any point during the proceedings in relation to any item(s) of business on the grounds that either exempt and/or confidential information is likely to be divulged, the following resolution(s) will be moved:

"That under Section 100 I of the Local Government Act 1972, as amended, it/they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraphs of that part being (...to be specified by the Chairman at the meeting), and that it is in the public interest to do so."; and/or

"That under Section 100 A of the Local Government Act 1972, as amended, it/they involve the likely disclosure of confidential information which would be in breach of an obligation of confidence."]

K DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

28th July 2010

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

5th AUGUST 2010

STREET TRADING CONSENT - APPLICATION

Relevant Portfolio Holder	Cllr. P. Whittaker
Relevant Head of Service	Steve Jordan - Head of Worcestershire Regulatory Services
Key Decision / Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 To consider an application to permit street trading in respect of Anthony Charles Woolley who is a trader providing hot and cold food and drinks from a mobile unit sited at Slideslow Lay-by, Stratford Road, Bromsgrove.

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. Woolley producing a trade waste agreement as set out at 12.1 of the Street Trading Policy or,
- 2.1.2 be refused,

provided that the Sub-Committee's decision is consistent with the Council's Street Trading Consent Policy.

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

**LICENSING
SUB-COMMITTEE**

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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 received an application on 18th March 2010 to conduct Street Trading, in accordance with the Street Trading Policy at Slideslow Lay-by, Stratford Road, Bromsgrove. Please see appendix A.

4.2 The application is seeking the following permissions:

Street Trading

- 08.00 am – 02:00pm Monday to Friday;
- 08:00 am – 01:00pm Saturday

Actual opening hours

- 08.00 am – 02:00pm Monday to Friday;
- 08:00 am – 01:00pm Saturday

4.3 No representations have been received from the responsible authorities named at 3.1 above.

4.4 Properties near to the proposed site as specified in 3.2 and 4.1 above have been notified and three letters of objection have been received. Please see Appendix B

4.5 A letter including a petition with 201 signatures in favour of the application has been received and is available as background papers to this report.

4.6 Six letters have also been received in support of this application and can be found at Appendix C

4.7 A plan indicating the location of the proposed street trading site is attached at Appendix D.

4.8 A photograph of the Snack Van can be found at Appendix E.

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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 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 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.
- 6.7 Mr. Woolley has been invited to the meeting so that he can put forward his case.
- 6.8 All those making objections to this application have been invited to the meeting so they can put forward their case.

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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 and are accepted in line with legislation and Council Policy.

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

- 12.1 None.

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

- 13.1 None.

**LICENSING
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5th AUGUST 2010

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 Please see paragraphs 3.1 and 3.2 above.

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	Yes
Director of Policy, Performance and Partnerships	No
Head of Service	Yes

BROMSGROVE DISTRICT COUNCIL

**LICENSING
SUB-COMMITTEE**

5th AUGUST 2010

Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

21. WARDS AFFECTED

This report affects the Ward of Slideslow.

22. APPENDICES

Appendix A – Application
Appendix B – Letters of objections from local residents
Appendix C – Letters in support of application
Appendix D - Small map of location
Appendix E - Photograph of Mobile Van

23. BACKGROUND PAPERS

Street Trading Consent Policy
Letter from Mr. Woolley with Petition in favour of 201 Signatures

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

ANTHONY CHARLES WOOLLEY

Full Residential Address

[Redacted]

Telephone No.

[Redacted]

Email

[Redacted]

National Insurance No.

[Redacted]

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	8am - 2pm	Friday	8am - 2pm
Tuesday	11am - 11am	Saturday	8am - 1pm
Wednesday	11am - 11am	Sunday	
Thursday	11am - 11am		

To sell (describe articles to be sold)

HOT + COLD SANDWICHES
Tea, coffee etc.

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

Stude show ~~by~~ by Stratford road Bromsgrove.

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

FINSTALL NURSERY'S FINSTALL

Description of mobile unit, including dimensions

Blue, 10 14' x 7'

If you are selling food or beverages, please state, if any, which local authority you are registered with.

Bromsgrove Food + Hygiene

I understand that any vehicle will be inspected prior to the start of trading.

I enclose the following items with this application:

A colour photograph of the mobile unit/vehicle	/
A recent passport sized photograph of the applicant	/
Food Hygiene Training Certificates (if relevant)	ON DISPLAY IN SWATCH - VAN X3
Certificate of inspection for any fire extinguishers	/
Certificate to show electrical/gas installations have been tested and are safe	/
Public liability insurance to 5 Million pounds	/
Plan showing proposed location of unit when trading	/
Annual Consent Fee - £552 – cheques made payable to Bromsgrove District Council	/
Occasional Consent Fee £25 per day - cheques made payable to Bromsgrove District Council	/

Signed

[Redacted Signature]

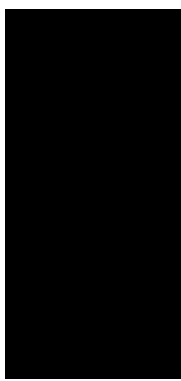
Date

17th MARCH 2010

Please return this form and any supporting documents to the Licensing Section, Planning and Environment, Bromsgrove District Council, The Council House, Burcot Lane, Bromsgrove, Worcs., B60 1AA

Telephone: 01527 881626

Email: licensing@bromsgrove.gov.uk



14th April 2010

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

Dear Mr Davies

Re:- Application for a Street Trading Consent - Bromsgrove District Council

Thank you for giving me the opportunity to make a representation regarding Mr Anthony Woolley's street trading consent application for a mobile snack van at the position of the Slideslow lay-by, Stratford Road, Bromsgrove.

I write to inform you that I strongly believe Bromsgrove District Council should reject this application on the following basis:

The 'Street Trading' consent policy (adopted on 20th January 2010) states that the policy has been designed to fulfil a number of aims. As one of the residents of the said lay-by, I am obliged to inform you that this application fails to fulfil the criteria as required on a number of points. I am aware that the points are not always specific to the snack bar and hence the question must be raised on whether the lay-by should or should not be used as a rest area at all or certainly in a more restricted manner.

Public Safety

1. Commercial vehicles parked tightly up to all the entrances of the properties and the Golf Centre, not only restricting access but also reducing the line of sight of other oncoming vehicles making it dangerous when leaving driveways.
2. Commercial vehicles often abandon their trailers for periods of time without thought for other motorists. These trailers are often left throughout the night in total darkness with no lights or cones to give warning. These trailers are hazardous and should be ignored at peril.
3. One particular 'Waiting Restriction' sign is also leaning dangerously.

Nuisance and Annoyance – obstruction of vehicles access

1. Customers waiting to buy their refreshments 'to go', often park alongside the snack bar restricting the throughway for other vehicles.
2. Customers using the facility are oblivious to through traffic using the slip road, often standing in the middle of the road or meandering across creating a hazard to passing vehicles.
3. Vehicles parked on both sides of the slip road leave only a narrow throughway to pass between, particularly when vehicles' doors are left ajar.

Damage to Highways

1. Encouraging commercial vehicles to use this slip road as a rest area has been to the detriment of the road surface. The surface is breaking up and in need of repair. May I request that his slip road is incorporated into your maintenance program for resurfacing.
2. Commercial vehicles, particularly excessively long vehicles that frequent this slip road are prone to damaging the access via the A448 and both sides of the grass verges, which when soft are left rutted. Are the Local Authorities not responsible for mowing and maintenance in this vicinity?

Environmentally – 'Disturbance of the Peace' (insensitive to the needs of residents and nearby business)

Whilst our property suffers considerably from commercial vehicles using this slip road, I am sure the other residents also have similar issues. Our privacy is frequently disturbed due to the proximity to the lay-by.

1. Commercial vehicles noisily arriving and departing at all hours, 7 days a week.
2. Vehicles parked at the end of the garden with engines/refrigeration humming at all unsociable hours. Sleep is regularly disturbed by the noise and vibration created by these vehicles, which rattles the windows.
3. Our privacy is compromised through the parking of high sided vehicles in full view of the front elevation of the house, notably in evenings and Sunday afternoons.
4. Motorists of all kind using the rest area frequently urinate in full view of the bedroom windows. A sight my family is regularly subjected to.

Bromsgrove District Council have for far too long overlooked the interests of local residents when encouraging the use of the lay-by as a rest area. Although I acknowledge that Mr Woolley probably provides a very professional service and I must say keeps the area tidy, it is however for these reasons that the application be refused, steps taken to ban commercial vehicles from using this slip road and proper restrictions put in place to stop parking nearby residents properties. (Note: photographic evidence may be provided if required)

Yours sincerely



[REDACTED]

Dear Sir

As the owner of [REDACTED], I write to object to the proposed application of Mr Anthony Woolley for a street trading consent.

The Council should know that the residents of the Old Stratford Road have previously tried to remove this snack van from trading on the service road due to the numerous anti-social acts of the snack van and drivers using the facility.

To greatly improve the aspect of the lay-by and the view for drivers passing around Bromsgrove on the busy A38 the Council would be better placed in removing the eyesore of the snack van permanently rather than allowing it's endorsed residency.

Yours faithfully

[REDACTED]

Our ref: [REDACTED]

1st April 2010

**Licensing
Planning & Environmental Services**

The Council House
Burcot Lane
Bromsgrove
Worcestershire
B60 1AA

Dear Sirs

Re: Application for a Street Trading Consent – Ants Snack Van

Further to your recent letter, we wish to object to the application by Mr Anthony Woolley to trade from Mobile Snack Van (Ants Snacks) on the following grounds:

The application received from Mr Woolley states that he wishes to trade from his mobile snack van on the following hours:

Monday to Friday 8.00 to 2pm (6 hours)
and
Saturday 8.00am to 1.00 (5 hours)

This could not possibly be granted as it clearly contravenes “any existing traffic regulation orders e.g. waiting restrictions” as stated within 4.2 Criteria for street trading consents.

The existing traffic regulation orders e.g. “Waiting Restrictions” – (Prohibition and Restriction of Waiting Order 1996) imposed March 1996 are clearly displayed on the numerous parking signs erected 1996.

Ⓟ 4 hours

No return within 4 hours

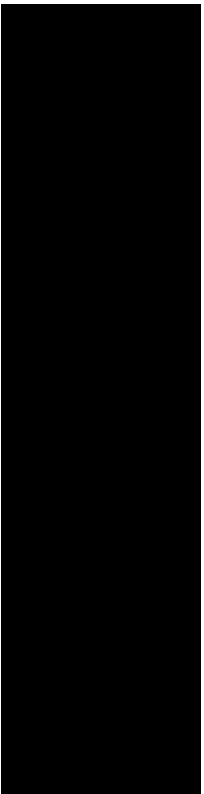
These restrictions are ignored daily by the many vehicles that park on the Old Stratford Road – service road, in particular the mobile snack bar that unbelievably actually parks his van in front of the restriction sign.

Cont'd

Therefore to turn a “blind eye” as the Council and enforcing bodies have done for the many years that the snack bar has been illegally parked would surely be a mockery to it’s own parking restriction orders if it was to grant the proposed application to Mr Woolley.

We strongly object to the proposed application and furthermore request that the Council take note of our complaint against the illegal parking in excess of the said 4 hours parking restriction limit and bring the fact to the attention of the relevant authorities.

Yours faithfully

A large black rectangular redaction box covering the signature area of the letter.

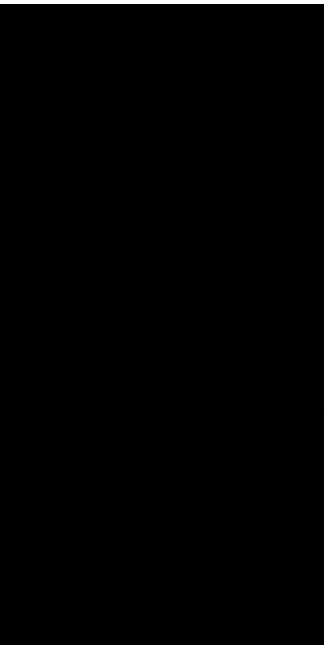
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I [REDACTED] director of [REDACTED] often use ants sandwich bar and find it very friendly, clean and most of all safe. I would be very upset if ants sandwich bar was not there after all these years it's become part of Bromsgrove, the old saying is, "where we meeting lets have a sandwich at ants and go from there." Also the staff are friendly and professional not like other places I have been. So being a regular user of ant's sandwich bar I would like you to issue ant with a license please.

Yours Thankfully.



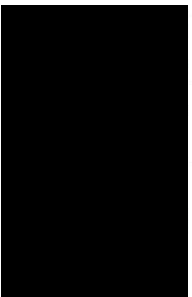


To whom it may concern,

As a resident of Bromsgrove, I regularly use 'Ant's snack van' on the way to my business based in Hereford. I also meet several friends there before going to play a round of golf at Bromsgrove Golf Club. They provide an excellent, friendly service, good quality food and are very clean and hygienic. Myself and countless friends have been going there for at least twelve years and would be very grateful if you granted Mr. Woolley of 'Ant's snacks' a licence.

Yours sincerely,





Telephones :



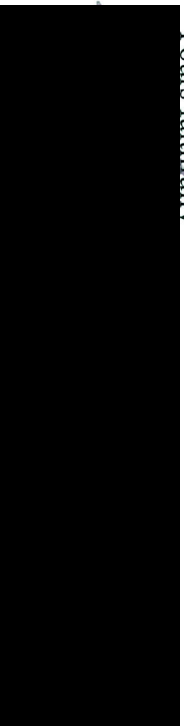
4 May 2010

Dear Sir

**WOOLLEY –ANT'S SNACKS
SITUATE AT THE LAY-BY NEAR STRATTFORD ROAD BROMSGROVE**

This merely serves to advise you that I have been a regular user of this facility for some twelve years and understand for a number of reasons that the continued user may be in jeopardy. I have always found the service provided first class and courteous and would like to lend my support for the appropriate Licence to be granted.

Yours faithfully



Mr John Davies
Department of Licence & Planning
Bromsgrove District Council
Bromsgrove
Worcestershire



[Redacted]

Aston Fields
Bromsgrove
Worcs.

Date 18th June 2010

Dear Sir/Madam

It has come to my attention that Mr Woolley from Ants Snacks has recently applied for his licence to continue trading on the golf club island. I write to you to ask if you would please grant this licence for Mr Woolley to continue trading as over the last five years he has been a continuous contributor to [Redacted] for which we as [Redacted] of [Redacted] very much value his help and support.

Yours truly,

[Redacted]

PLANN
23

John Davison
Emailed to licensing at
Reddit@k 1/6/2010

[REDACTED]
Bromsgrove.

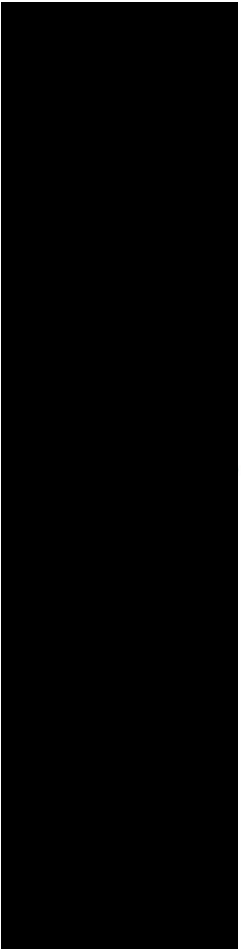
[REDACTED]
13TH May 2010

To whom it may concern.

My husband and I
have been purchasing food from Ants
Snacks (situated nr Bromsgrove Golf course) for
a few years now. As local residents it
is great to see a business run so well,
All the staff are very friendly and polite,
and the van is kept spotlessly clean and tidy
as it the area outside around the van.

We often see many locals visiting the van
on a regular basis too. Maybe some perman-
ently situated eating establishments could
take a lesson on service and cleanliness from
Ants Snacks. It would therefore be extremely
disappointing if Ants Snacks was not granted
the licence they so clearly deserve to continue
to operate.

Yours Faithfully
[REDACTED]



To whom it may concern,

As a frequent visitor to Bromsgrove, in my job as a stationary delivery driver I was alarmed to hear about the possible closure of the layby at Slidestow island. The layby is an ideal place to rest and re-cuperate during the working day, and also keeps the traffic congestion in Bromsgrove to a minimum.

I would ask you to imagine the situation where the layby is no longer available causing van drivers like myself, as well as heavy duty vehicles to "park up" in the town causing problems for other commuters.

I would also ask you to keep in mind the livelihood of the employees of Amt's snack bar who rely on the layby being used as a resting place as their source of revenue.

I hope after considering all the options available common sense will prevail.





LOCATION
OF
UNIT .

Sent from my iPhone

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Appendix E



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