



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING (MISCELLANEOUS) SUB-COMMITTEE A

THURSDAY 24TH MARCH 2011 AT 10.00 A.M.

COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors Mrs. R. L. Dent (Chairman), B. Lewis F.CMI,
Ms. J. A. Marshall, D. McGrath and Mrs. C. J. Spencer (Vice-
Chairman)

AGENDA

LICENSING (MISCELLANEOUS) SUB-COMMITTEE A 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 - Thomas Campbell, Junction 3, M42
(Pages 5 - 20)
4. Application for a Street Trading Consent - David Alcock, Alderhanger Lane,
A435 (Pages 21 - 36)
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
6. 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 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(s) 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

15th March 2011

Appendix

STREET TRADING CONSENT APPLICATION LICENSING (MISCELLANOUS) 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

24th MARCH 2011

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 Mr. Thomas Campbell who is a trader intending to provide hot and cold food and drink from a mobile unit sited at Junction 3, M42 on the Studley / Mappleborough Green / Redditch bound carriageway.

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. Campbell producing a trade waste agreement as set out at 12.1 of the Street Trading Consent 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 Consent 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

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24th MARCH 2011

3.2 In accordance with the Street Trading Consent 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.

3.3 There is one business premise adjacent to the trading site. The proprietors have been advised, in writing, of the application and have not made a representation.

4. KEY ISSUES

4.1 The Licensing Authority has received an application to conduct Street Trading, in accordance with the Street Trading Consent Policy at Junction 3, M42 on the Studley / Mappleborough Green / Redditch bound carriageway. A copy of the application can be found at Appendix A.

4.2 The application is seeking the following permissions:

Street Trading

- 06.00 am – 02:00pm Monday to Sunday

Actual Opening Hours

- 06.00 am – 02:00pm Monday to Sunday

4.3 On this occasion representations have been received from Beoley Parish Council which is attached at Appendix B and West Mercia Police which is attached at Appendix C, the basis of their representations is on the grounds of road safety. No representations were received from the other responsible authorities named at 3.1 above.

4.4 The applicant has responded, in writing, to the representations. This is attached at Appendix D.

4.5 A plan indicating the location of the proposed street trading site is attached at Appendix E.

4.6 Mr. Campbell has been invited to the meeting to put forward his case.

4.7 The Responsible Authorities who have made representations in this case have been invited to the meeting to put forward their case.

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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 less an administration fee of £25.00.

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).
- 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 24th May 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 Council's Street Trading Consent Policy

**LICENSING
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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.

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

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**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
Deputy Chief Executive / Executive Director – Leisure, Environment and Community Services	No
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

**LICENSING
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24th MARCH 2011

21. WARDS AFFECTED

Alvechurch

22. APPENDICES

Appendix A – Application

Appendix B, C – Letters of Representations from Responsible Authorities

Appendix D – Letter in response to representations from applicant

Appendix E - Location plan of the proposed site

23. BACKGROUND PAPERS

Street Trading Consent Policy

AUTHOR OF REPORT

Name: Ann May Licensing Officer
E Mail: a.may@bromsgrove.gov.uk
Tel: (01527) 881405



Application for a Street Trading Consent

Full Name

THOMAS ARNOLD CAMPBELL

Full Residential Address

4/0

Telephone No.

Email

National Insurance No.

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	✓	Saturday	✓
Wednesday	✓	Sunday	✓
Thursday	✓		

To sell (describe articles to be sold)

HOT + Cold SANDWICHES + drinks

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

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

SAVE AS ABOVE

Description of mobile unit, including dimensions

UNIT IS SELF QFTY LMR

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

None New Venture

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)	✓
Certificate of inspection for any fire extinguishers	N/A/ See Photo
Certificate to show electrical/gas installations have been tested and are safe	* See covering letter
Public liability insurance to 5 Million pounds	* See covering letter
Plan showing proposed location of unit when trading	✓
Evidence of Trade Waste Agreement	TAKE HOME ENERGY
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

Date

02.12.10

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

Appendix B

This message was sent with high importance.

Attachments can contain viruses that may harm your computer. Attachments may not display correctly.

Ann May

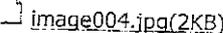
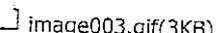
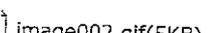
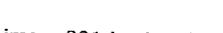
From:

Sent: Wed 12/01/2011 11:35

To:

Cc:

Subject: Street Trading Consent Application - Thomas Campbell

Attachments:    

Subject: Re: Street Trading Consent Application - Thomas Campbell

At the Council Meeting last evening it was agreed to strongly object to this application on the grounds of highway safety. The proposed site is immediately on the left as traffic comes up the slip road from the M42 and, as this is an extremely busy junction, consider this would be a very dangerous situation. Several years ago a similar type of business was in the lay-by (now closed off) on the North side of the Island, again on the left as one left the slip road leading up from the M42, and there were several very near misses hence the enforced removal of the business and the "filling-in" of the lay-by.

Bearing in mind the recent re-opening of the lay-by at Alderhanger Lane and the fact that the "food" van has moved there from the previous site adjacent to the A435 at Bransons Cross cannot see the need for another seller.

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Appendix C

Ann May

From: Connolly,Jan [jan.connolly@westmercia.pnn.police.uk] **Sent:** Mon 10/01/2011 15:55
To: Ann May
Cc:
Subject: RE:
Attachments:

Ann,

After having given this application due consideration I have to raise the following road safety concerns:

The layby where the stall is planned to be situated is relatively short. Once the stall and it's associated equipment is in place there will be limited parking space for vehicles visiting the stall. This leads me to raise three concerns.

If the layby is full there would be little or no space for vehicles to accelerate to rejoin the carriageway amongst traffic that would be travelling at relatively high speeds. Even though the layby is close to the island vehicles will be accelerating off it and will have reached a fairly high speed by the time they are adjacent to the layby. Vehicles leaving the layby will have to join from a standing start which will increase the chances of side swipe collisions as the enter the carriageway. The layby is is fairly close proximity to the island. If the layby was full vehicles intending to pull in to use the stall may be forced to brake suddenly as they would realise late that there was no space. This increases the risk of both "shunt" type collisions as vehicles may not stop in time behind the braking vehicle or "side swipe" collisions move laterally to avoid sudden braking vehicle ahead.

Finally, if the layby was full there is the danger that vehicles wishing to visit the stall may park on the main carriageway. While this is an extreme course of action there is still the possibility that it could happen.

Based in these concerns I am not able to support the application in it's current format.

Regards

Ian Connolly
Traffic Management Assistant
"D" Division West Mercia Police
Tel: 01562 826032
Mob: 07977 267798
Fax: 01562 826110

From: Ann May [mailto:a.may@bromsgrove.gov.uk]

Good afternoon.

The Council has received a street trading consent application from Mr Thomas Campbell who wishes to sell food from a mobile unit situated a the lay-by adjacent to M42/A435.

This the lay-by some 50/60 yards off the motorway island on the Studley/Redditch bound carriageway, not the large lay-by known as Alder Hanger Lane.

I would be most grateful to receive your comments by 20th January 2011.

Ann May
Licensing Officer
Bromsgrove District Council
01527 881405

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Mr Thomas Campbell

26th January 2011

Mrs A May
Licensing officer
Bromsgrove District Council
Planning and Environment Services
The Council House
Burcot Lane
Bromsgrove
Worcestershire
B60 1AA

Dear Mrs May

Thank you for your letter dated 2nd January with regards to my application to obtain a Street Trading Consent for a hot and cold food and drinks unit to be based at a lay-by adjacent to M42 junction 3 and the A435. I very much appreciate all the detailed information and objections attached therewith and would like to continue with my application.

In response, I would like to make the following points:

Previous to my initial application, I physically investigated safety aspects in and around *this* lay-by, the lay-by directly on the opposite side of the carriageway and the lay-by further along the A435 towards Redditch. I have now surveyed all three lay-bys on three separate occasions between 7am and 12noon for two hours each time, observing the following facts:

- i. I personally do not think the lay-by in question is short; I can only assume this and all other safety aspects regarding this lay-by were considered and discussed by the Highways Planning Department prior to approval of construction at this location.
- ii. *All* traffic leaving *any* lay-by rejoins a carriageway/motorway from a standing start.
- iii. The traffic on the A435 alongside the lay-by in question travels at a speed of 20-30 mph. This traffic has continued from the main island approximately 90ft behind the lay-by either from leaving the M42 at junction 3 or having travelled along the A435 from Birmingham. The island has timed traffic lights in place, enabling vehicles parked in the said lay-by to rejoin the A435 safely during the timed gaps in traffic.
- iv. The traffic travelling passed the lay-by further along the A435 towards Redditch is doing speeds in excess of 50mph hence vehicles parked in this lay-by will also be departing from a standing start but are rejoining the A435 at an increased risk to safety for themselves and that of any oncoming traffic.

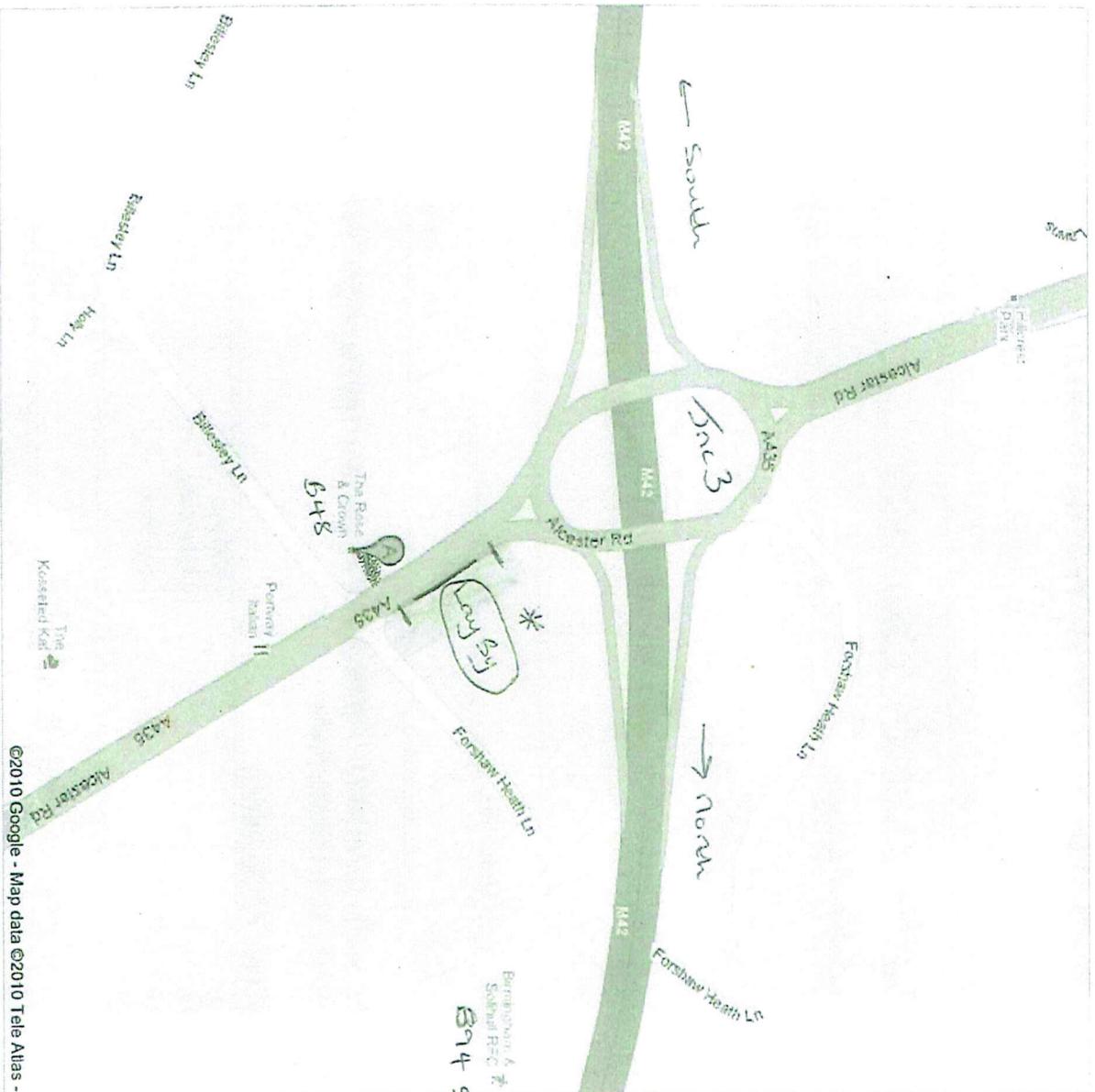
- v. The lay-by in question currently has adequate room for 11 cars to park. My unit is 9ft x 6ft, no bigger than the average car, still allowing ample room for 10 cars to pull-in. I have already received permission to park my own car in the pub (Rose & Crown) car-park opposite if necessary.
- vi. It is my intention to position clear visual signs, which I have had specifically professionally made, on the verges to the side of the M42 north and south slip roads at junction 3 and along the A435 Birmingham side of the island to inform people where a refreshment unit is situated. I believe this will give potential customers plenty of notice, alleviating any possible sudden braking directly upon the lay-by.
- vii. There is indeed a food unit situated in the lay-by further along the A435 towards Redditch. Although this unit does service travellers along the A435, it does not capture those exiting the carriageway at the Tanworth in Arden / Beoley exit. This lay-by is also quite "hidden"; drivers are upon it before they realise, increasing chances of sudden breaking and causing a safety hazard. (Please also see point no.4).
- viii. I have not yet registered this business with a local authority; on making enquiries with both Birmingham and Solihull Borough Councils, I have been advised I need to obtain a Street Trading Consent with the Borough Council I intend to trade within, hence my application to Bromsgrove District Council. I will of course register with the relevant council prior to trading.
- ix. I have valid certificates for Food Safety in Catering; Health and Safety for Food Workers; First Aid at Work.
- x. I have an Inspector from Birmingham visiting on Friday 28th to assess my unit but will arrange for a routine inspection via Bromsgrove Council prior to trading should my application be successful.

I trust I have answered the opposed concerns and am happy to attend any Licensing Sub-Committee meetings to put forward my case in person.

Thank you again for your assistance.

Yours sincerely

~~Thomas Campbell~~



A. The Rose & Crown

Alcester Rd, Portway, Birmingham, West Midlands B48 - 01564 822 166
10 reviews

Business listings provided by Thomsonlocal.com

* Proposed location
of catering unit
when trading

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BROMSGROVE DISTRICT COUNCIL

LICENSING SUB COMMITTEE

24th March 2011

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 Mr. David Alcock who is a trader intending to provide hot and cold food and drink from a mobile unit sited at Alderhanger Lane, A435.

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),
- 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 A revised Street Trading Policy was adopted by this Authority on 20th January 2010. It was further revised in May 2010 where a minor amendment was made to the Policy.
- 3.2 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;

**LICENSING SUB
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24th March 2011

- the Parish Council (if any) in which the Trading Unit is to be located;
- the Ward Councillors

4. KEY ISSUES

- 4.1 The Licensing Authority has received an application from Mr. David Alcock to conduct Street Trading, in accordance with the Street Trading Consent Policy at the lay by adjacent Alderhanger Lane on the A435. A copy of the application can be found at Appendix A.
- 4.2 The application is seeking the following permissions:
- Street Trading**
- 07.00am – 15.00pm Monday to Saturday
- Actual Opening Hours**
- 07.00am - 15.00pm Monday to Saturday
- 4.3 On this occasion representations have been received from West Mercia Police which is attached at Appendix B, and the Council's Community Safety Team, which is attached at Appendix C, the basis of the representations are on the grounds of community safety. No representations were received from the other responsible authorities.
- 4.4 The applicant has responded, in writing, to the representations. Please see Appendix D.
- 4.5 In accordance with the Street Trading Consent 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.
- 4.6 There are five residential premises adjacent the trading site. The occupiers have been advised, in writing, of the application and have not made a representation.
- 4.7 A plan indicating the location of the proposed street trading site is attached at Appendix E.
- 4.8 Mr. Alcock has been invited to the meeting to put forward his case.

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24th March 2011

- 4.9 The Responsible Authorities who have made representations in this case have been invited to the meeting to 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 less an administration fee of £25.00.

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).
- 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 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 and revised in May 2010.

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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.

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

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24th March 2011

**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 3.2 and 4.5 above.

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	No
Executive Director (S151 Officer)	No
Deputy Chief Executive / Executive Director – Leisure, Environment and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	Yes
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

**LICENSING SUB
COMMITTEE**

24th March 2011

21. WARDS AFFECTED

Alvechurch

22. APPENDICES

Appendix A – Application

Appendix B, and C – Letters of Representations from Responsible Authorities

Appendix D – Letter in response to representations from the applicant

Appendix E - Location plan of the proposed site

23. BACKGROUND PAPERS

Street Trading Consent Policy – Revised May 2010

AUTHOR OF REPORT

Name: Ann May Licensing Officer
Worcestershire Regulatory Services
E Mail: a.may@bromsgrove.gov.uk
Tel: (01527) 881405



Application for a Street Trading Consent

Full Name

DAVID ALCOCK

Full Residential Address

16 BRIMLEY ROAD
BROMSGROVE

Telephone No.

01527 22626

Email

NONE

National Insurance No.

NONE

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	<input checked="" type="checkbox"/>	07:00 -	Friday	<input checked="" type="checkbox"/>	6 DAYS
Tuesday	<input checked="" type="checkbox"/>	15:00 -	Saturday	<input checked="" type="checkbox"/>	
Wednesday	<input checked="" type="checkbox"/>		Sunday		
Thursday	<input checked="" type="checkbox"/>				

To sell (describe articles to be sold)

HOT & COLD FAST FOOD

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

~~OTHER~~ HANDCART LANDIE
ALDER

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

YES - AS ABOVE

Description of mobile unit, including dimensions

WHITE TRAILER
12 FEET LONG by 6 WIDE

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

BROMSGROVE

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)	RD
Certificate of inspection for any fire extinguishers	RD
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	
Evidence of Trade Waste Agreement	
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 [Signature]

Date 30, 9, 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

Ann,

I would like to object to the proposed application for a street traders licence at Alderhanger Lane.

Alderhanger Lane was used as a public sex environment until a temporary closure of the lay-by was put in place just over 3 years ago. This caused a great deal of concern for the local residents. This closure was removed due to a challenge made to the County council and the public sex environment has re started at this location, there is clear evidence of this. Again this is causing concern and anxiety for the local residents

I am convinced alterations at this site are required to prevent this location being used for this purpose. One potential option will be to re apply or use other legislation to get a road closure. Because of the upset it has and is causing within the local community I do not want the fact a person is trading from this location to interfere in anyway with what options we have may be able to consider and pursue.

I also understand a porta loo and chairs are left at this location and I am concerned these will be used inappropriately by the persons that attend this location for sex, clearly after the hours of trading. If a decision is given to grant this licence then a condition would need to include the removal of all of these items following the closure of the days trading by the potential licence holder.

I would strongly suggest that other lay-bys, not to far away, would be far more suitable for this type of trade

Julian Smith
Bromsgrove District Inspector

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Opinions expressed in this document may not be official policy.

Thank you for your co-operation.

West Mercia Police 0300 333 3000

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Ann - Please see email below.

With Thanks

Christopher Santoriello-Smith

Senior Community Safety Project Officer
Community Safety

Bromsgrove District Council
The Council House
Burcot Lane
Bromsgrove
Worcestershire
B60 1AA

Tel: 01527 881 485
Mobile: 07595 0900 79

Web: www.bromsgrove.gov.uk/communitysafety

Email: c.santoriello-smith@bromsgrove.gov.uk



**Bromsgrove
District Council**
www.bromsgrove.gov.uk



BUILDING PRIDE
COMMUNITY LEADERSHIP

**EQUALITY
FRAMEWORK
FOR LOCAL
GOVERNMENT**
2008-2015

From: Chris Santoriello-Smith
Sent: 01 February 2011 12:03
To: 'a.may@redditchbc.gov.uk'
Subject: David Alcock - Street Trading Consent Application
Importance: High

Anne – With reference to the street trading consent application submitted by David Alcock to trade on the lay by at Alderhanger Lane, I would like to offer the following comments on behalf of Community Safety.

At Community Safety we are aware of the historical and current problems with the lay by at Alderhanger Lane. The lay by has previously been a location which has experienced persistent problems with sexual offences known as 'dogging'. This resulted in the highway authority granting a temporary road closure order to prevent the activity occurring which has been in place for a few years. The temporary road closure has recently been lifted and David Alcock has started trading from this lay by since.

As a result of the re-opening of this lay by we have intelligence that sexual offences have recommenced in this area. David Alcock has placed a portable toilet facility in the lay by which is providing convenience facilities for those who are partaking in illegal sexual activities. On recent inspection of the portable toilet facility it was clear to see that the facility was being used for sexual activities due to the offensive graffiti and the sexual paraphernalia.

This type of activity is detrimental to the environment and the community. I would strongly object to any form of street trading in the Alderhanger Lane lay by which encourages the offensive activities that are occurring at this location.

On a separate note I can also confirm that Community Safety have issued a written caution to David Alcock for placing illegal advertising on the highway insisting on the removal of illegal and dangerous signage; David Alcock did comply to the request.

There will be a joint agency meeting on 18th February 2011 to discuss the problems mentioned and establish an intervention to prevent offences occurring at this location; I would envisage that the closure of the lay by could be one option to be discussed which would be hindered if street trading consent was granted.

With Thanks

Christopher Santoriello-Smith

Senior Community Safety Project Officer
Community Safety

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Appendix D

D Alcock

10/02/11

Dear Mrs A May,

In reference to your letter , may I just make a few points.

Ever since I first started to sell fast food, my intention was never to up-set anyone, annoy anyone, Provoke anyone or be a nuisance to anyone . I'm quite a very reserved person , polite and respectful to everyone I meet. I didn't even know for the first 8 months of trading, that there was any problems with me being there. I put all of my stolen signs and all destruction of the toilet down to kids play, which happened on a weekly basis.

On since becoming aware of the issue I have kept the council aware of all my moves and intentions. I've abided by all the councils rules and regulations as instructed. I will continue to be as co-operative as possible.

All the complaints made about me are not strictly true. The toilet is constantly locked whilst I'm not there, so they have no means of access . The people who graphitised the toilet seem to know exactly what they are doing and how to go about things to get the right reaction from the concerned bodies. As far as I'm aware there has been no evidence what so ever that any crimes are committed at night while I'm not there. There are no signs of condoms or any other sexual litter. How can I be held responsible for things beyond my control if this is the case. The lane is kept clean by myself and the council litter pickers. After all this is a road we are talking about which is half a mile away from all the complainants. They live in Warwickshire, I trade from Worcestershire. How can this be an issue to them from so far away, unless they go out of their way . They cannot see me, hear me, or smell me and my establishment from their neighbourhood.

When I was offered the position by the highways to move into Alderhanger lane, I thought this would solve any issues concerning these people, obviously I was wrong.

The council was immediately informed with the appropriate paper work.

Since starting this business two and a half years ago I've committed my everything into running a self employed business. I trade six days a week and on the seventh, I cleanse and restock the van. Therefore I'm working seven days a week to earn a living. I've had no rest or holiday throughout the entire period of trading, this is how committed I am. I've also invested a huge amount of money into my desire to work and not become another statistic on the unemployment list. I feel that if you kindly consider my application for continual trading, things can only be positive for my customers, the general public travelling and myself.

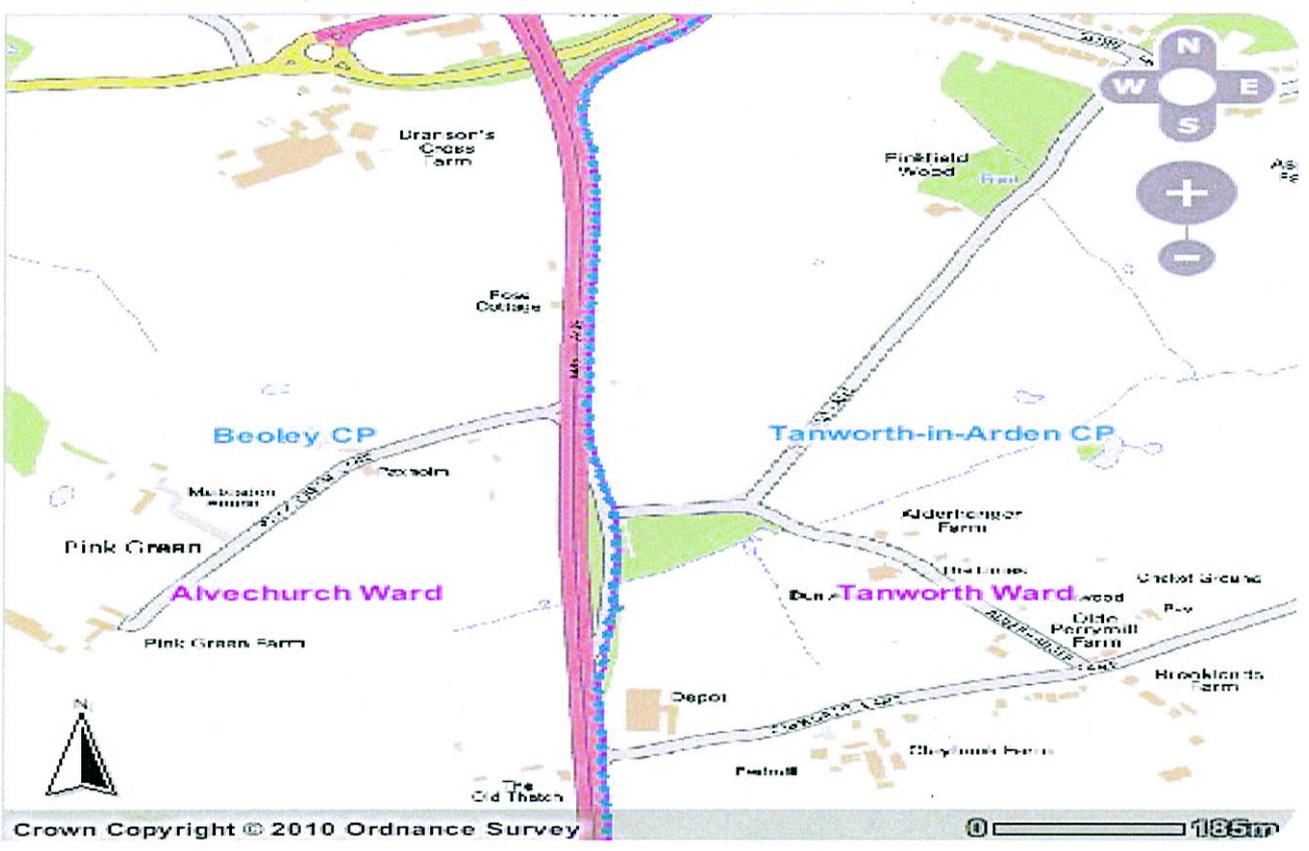
Yours faithfully

D Alcock

Subject: FW: David Alcock - MAPS

Application received for Street Trading Alderhanger Lane

Last Days for reps November 3rd



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