



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING (MISCELLANEOUS) SUB-COMMITTEE A

THURSDAY 18TH JULY 2013 AT 10.00 A.M.

COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors Mrs. R. L. Dent (Chairman), Ms. M. T. Buxton and
S. P. Shannon

J. S. Brogan (Substitute Member)

AGENDA

STREET TRADING CONSENT HEARING PROCEDURE (Pages 1 - 4)

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest
3. Applications for a Street Trading Consent, A491 Sandy Lane (M5 Junction 4):-
(Pages 5 - 26)
 - Mr Colin O'Coy Application
 - Mr Vincent Richards Application
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

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

9th July 2013



INFORMATION FOR THE PUBLIC

Access to Information

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000 has further broadened these rights, and limited exemptions under the 1985 Act.

- You can attend all Council, Cabinet and Committee/Board meetings, except for any part of the meeting when the business would disclose confidential or “exempt” information.
- You can inspect agenda and public reports at least five days before the date of the meeting.
- You can inspect minutes of the Council, Cabinet and its Committees/Boards for up to six years following a meeting.
- You can have access, upon request, to the background papers on which reports are based for a period of up to six years from the date of the meeting. These are listed at the end of each report.
- An electronic register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc. is available on our website.
- A reasonable number of copies of agendas and reports relating to items to be considered in public will be made available to the public attending meetings of the Council, Cabinet and its Committees/Boards.
- You have access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned, as detailed in the Council’s Constitution, Scheme of Delegation.

You can access the following documents:

- Meeting Agendas
- Meeting Minutes
- The Council’s Constitution

at www.bromsgrove.gov.uk

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 parties present to introduce themselves.
3. The Chairman will remind the Applicant that he/she can be represented by a legal representative at his/her own expense.
4. The Chairman will ask the Legal Advisor if there is any legal advice to be given.
5. The Technical Officer (Licensing) 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 Technical Officer (Licensing).
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 or his/her representative will be invited to sum up. A maximum of 5 minutes will be allowed.

- 13. The Chairman will ask the Legal Advisor if there is any legal advice to be given.**
- 14. At the conclusion of the hearing, the Members of the Sub-Committee, the Legal Adviser and the Democratic Services Officer will withdraw from the meeting room.**
- 15. Once the Sub-Committee has reached its decision, the Members of the Sub-Committee, the Legal Advisor and the Democratic Services Officer will return to the meeting room. The Sub-Committee's decision, together with the reasons for the decision, will be announced by the Chairman.**
- 16. 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) ***Consultation – relevant responses from consultees***
 - (b) ***Local Government Miscellaneous Provisions Act 1982***
 - (c) ***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.***

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BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

18th July 2013

STREET TRADING CONSENT - APPLICATIONS

Relevant Portfolio Holder	Councillor Kit Taylor
Relevant Head of Service	Head of Worcestershire Regulatory Services
Key Decision / Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 To consider applications made by 2 individual applicants requesting to trade from A491, Sandy Lane (M5 Junction 4) under the terms & conditions of the Local Government (Miscellaneous Provisions) Act 1982.

2. RECOMMENDATIONS

- 2.1 Under section 9 of Bromsgrove Street Trading Policy it states that:

“Where more than one trader applies for consent to trade from an approved site, the applications will be referred to the council’s Licensing Sub-Committee”

- 2.2 The committee are asked to determine the application as whole or in part (with additional conditions, if appropriate)

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;
- Worcestershire Regulatory Services – Compliance Team;
- The Council’s Street Scene and Community Services Team;
- The Council’s Community Safety Team;
- Trading Standards;
- The Parish Council (if any) in which the Trading Unit is to be located;
- The Ward Councillors

**LICENSING
SUB-COMMITTEE**

18th July 2013

- Local businesses within the area (area not defined in the policy)

4. KEY ISSUES

- 4.1 The Licensing Authority has received 2 applications to conduct Street Trading, in accordance with the Street Trading Policy at the above 1.1 mentioned site.
- 4.2 Applicant 1, Mr Colin O’Coy is seeking to trade Monday to Saturday 07:30 – 15:30, selling hot & cold sandwiches, drinks & snacks. Mr O’Coy submitted his application on 23rd April 2013. Please see attached as Appendix 1.
- 4.3 Following consultation with responsible authorities, Worcestershire Regulatory Services (on Behalf of Bromsgrove District Council) received an objection from Environmental Health. Copy of the objection is attached as Appendix 2.
- 4.4 Applicant 2, Mr Vincent Richards is seeking to trade Monday to Friday 07:00 – 15:00. Selling hot & cold sandwiches, burgers, Hot & cold drinks. Mr Richards submitted his application on the 13th May 2013. Please see attached as Appendix 3.
- 4.5 A plan indicating the location of the proposed street trading site is attached at Appendix 4
- 4.6 Bromsgrove District Council Street Trading Consent policy attached as Appendix 5.

5. FINANCIAL IMPLICATIONS

- 5.1 Fees paid in regards to Street trading consent will be refunded minus £35.00 administration charge.

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 “Schedule 4 section 7(4) of the Act permits the Council to grant a Street Trading Consent if they think fit and when granting or renewing a Street

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18th July 2013

Trading Consent the Council may attach such conditions to it as they consider reasonably necessary. Paragraph 7 (5) without prejudice to the generality of (4), the conditions that may be attached to a Street Trading consent by virtue of that sub-paragraph include conditions to prevent- (a) obstructions of the street or danger to persons using it; or (b) nuisance or annoyance (whether to persons using the street or otherwise). The Council may at any time vary the conditions of a Street Trading Consent.”

- 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 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.
- 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, as amended in June 2012.

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.

**LICENSING
SUB-COMMITTEE**

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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

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

16.1 None

17. HEALTH INEQUALITIES IMPLICATIONS

17.1 None

**LICENSING
SUB-COMMITTEE**

18th July 2013

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
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 Waseley

**LICENSING
SUB-COMMITTEE**

18th July 2013

22. APPENDICES

- Appendix 1 – Application Mr O’Coy
- Appendix 2 – Letter or Representation from responsible authority
- Appendix 3 – Application Vincent Richards
- Appendix 4 - Location plan of the proposed site
- Appendix 5 – Bromsgrove District Council Street Trading Policy

23. BACKGROUND PAPERS

Street Trading Policy

AUTHOR OF REPORT

Name: Sayful Alom – Technical Officer
E Mail: sayful.alom@worcsregservices.gov.uk
Tel: (01527) 548309

Application for a Street Trading Consent

Full Name

Colin O'COY

Full Residential Address

[Redacted]

Telephone No.

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	} 07.30 - 15.30	Friday	07.30 - 15.30
Tuesday		Saturday	07.30 - 13.30
Wednesday		Sunday	
Thursday			

To sell (describe articles to be sold)

Hot & Cold Sandwiches, Drinks & Snacks

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

M5 Junction 4 (A491 Sandy Lane)
200yds down from Island (layby on right)

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

As above

Description of mobile unit, including dimensions

10ft x 7ft Door to the rear, serving hatch to the side, graphics all round

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)	/
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	/
Evidence of Trade Waste Agreement	/
Annual Consent Fee cheques made payable to Bromsgrove District Council (Check website for fee details)	/

Signed

[Redacted Signature]

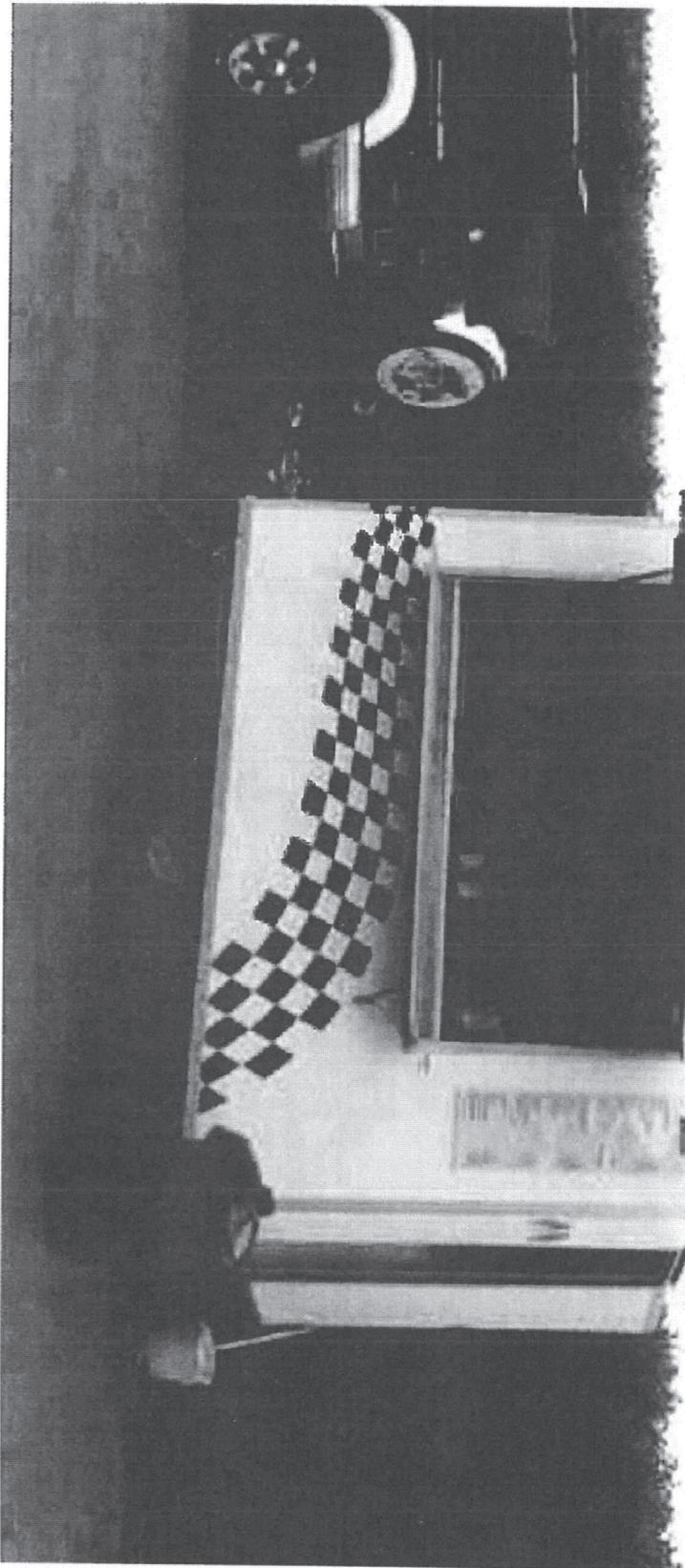
Date

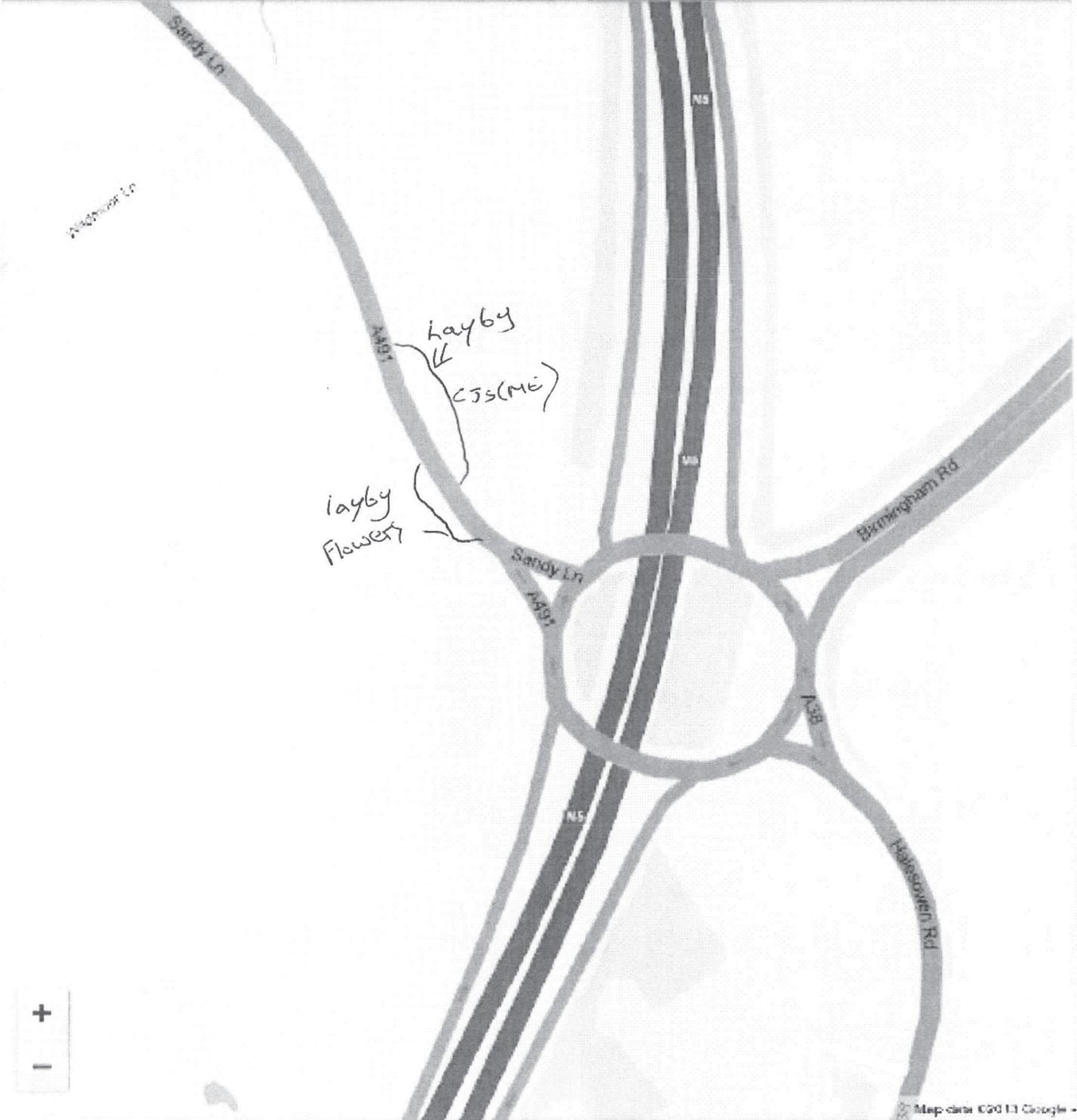
23-4-13

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

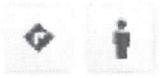
Telephone: 01527 881395

Email: wrslicensingadmin@worcsregservices.gov.uk





Junction 7 M5
M5



Sayful Alom

From: Trevor Jones
Sent: 20 May 2013 10:25
To: Sayful Alom
Subject: Treet Trading Licence, Colin O'Coy, Sandy Lane, Bromsgrove

Hello Sayful

With regard to the following application for a street trading licence it is apparent that there is no mention in the application with regard to either the provision of toilet facilities or for adequate arrangements to access suitable toilet facilities. This has been an issue at this site previously. Therefore, I would object to the application on these grounds.

Kind regards

Trevor

Trevor Jones
Environmental Health Officer

Tel: 01527 548330 (Direct Line) Extn: 3578
Fax: 01905 617132
E-mail: trevor.jones@worcsregservices.gov.uk
Web site: www.worcsregservices.gov.uk

Worcestershire Regulatory Services
PO Box 866, Worcester, WR1 9DP



Environmental Health, Trading Standards & Licensing

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Application for a Street Trading Consent

RECEIVED
13 MAY 2013
Full Name

Vincent Richards

Full Residential Address

[Redacted]

Telephone No.

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	Am	7-3pm	AM	Friday	7-3pm
Tuesday	Am	7-3pm		Saturday	TBC
Wednesday	Am	7-3pm		Sunday	
Thursday	Am	7-3pm			

To sell (describe articles to be sold)

Menu attached.

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

A491 nr Junct 4 M5 - map attached.

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

[Redacted]

Description of mobile unit, including dimensions

Catering trailer

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

Birmingham City Council

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	to follow
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 cheques made payable to Bromsgrove District Council (Check website for fee details)	

Signed

[Redacted signature]

Date

10/5/13

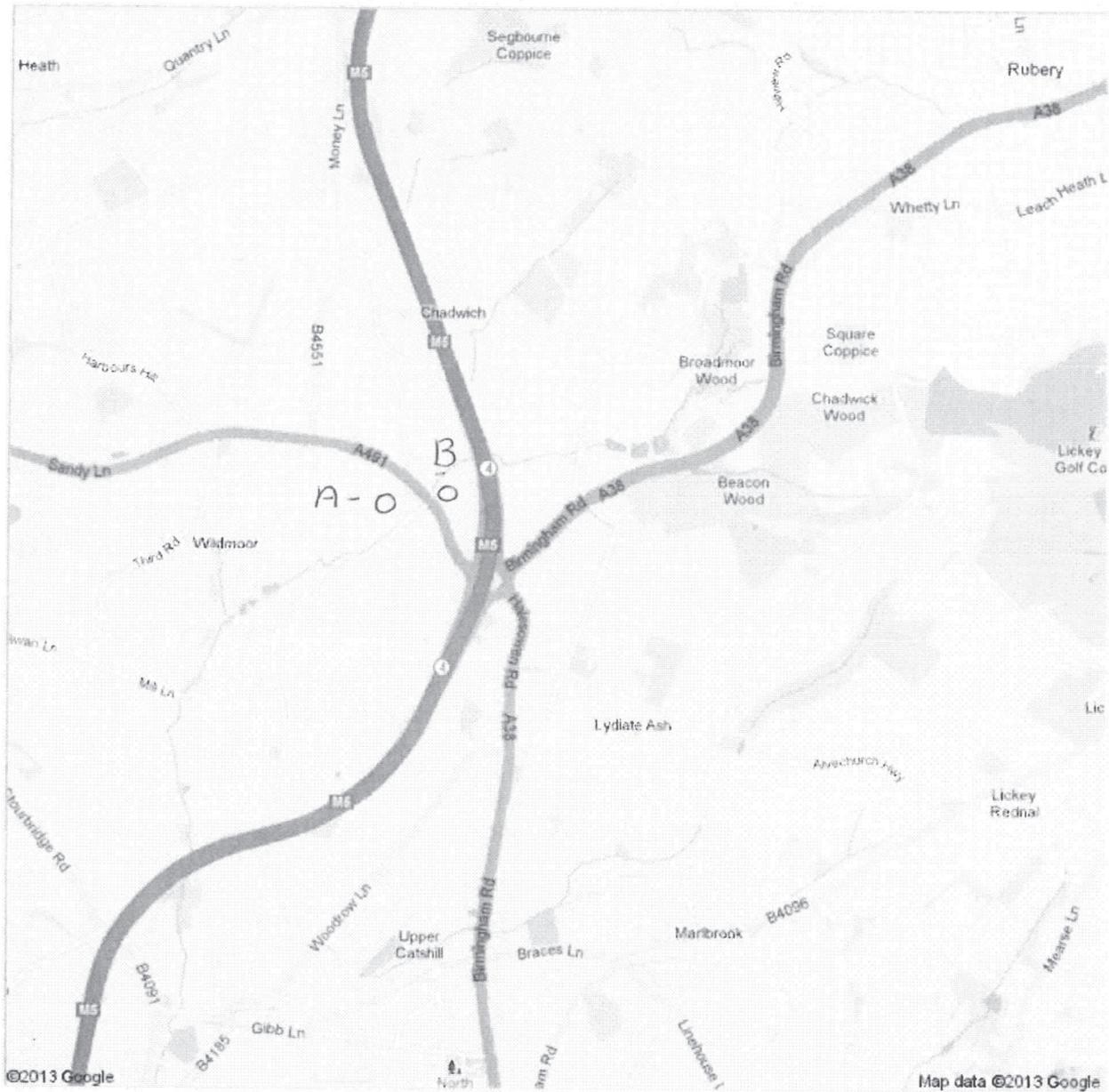
Please return this form and any supporting documents to the Licensing Section, Worcestershire Regulatory Services, Bromsgrove District Council, The Council House, Burcot Lane, Bromsgrove, Worcs., B60 1AA

Telephone: 01527 881395

Email: wrslicensingadmin@worcsregservices.gov.uk

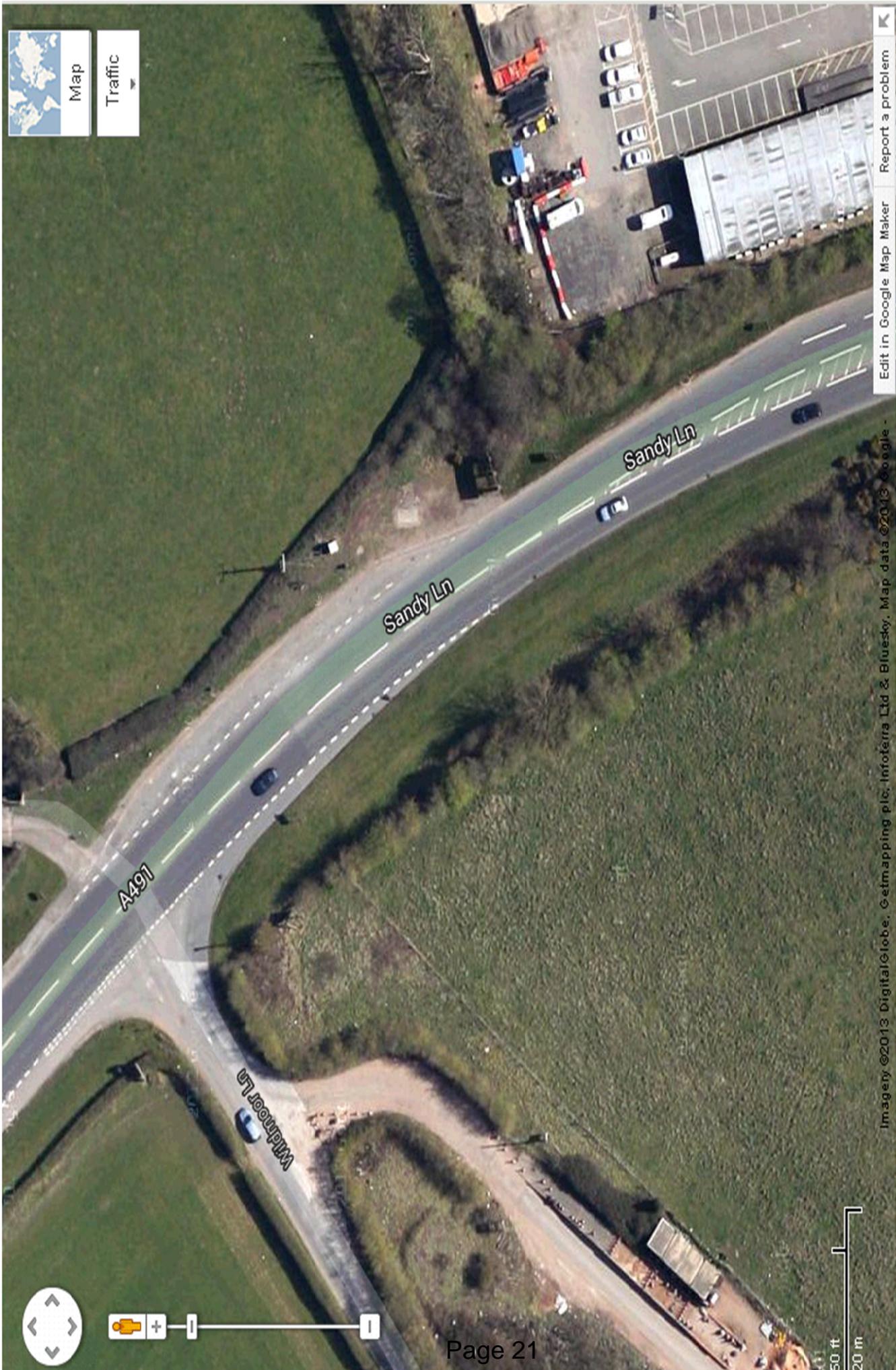
Google

Address



A) - Wildmoor oak
Pub and restaurant
B) - 15 pitch for cambrian
Express





Map

Traffic

Imagery ©2013 DigitalGlobe, Getmapping plc, Infoterra Ltd & Bluesky, Map data ©2013 Google -

Edit in Google Map Maker Report a problem

Internet

13:52 13/06/2013

Navigation controls: compass, pan, zoom in (+), zoom out (-), street view pegman, and a white location pin.

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STREET TRADING - POLICY STATEMENT

UNDERLYING PRINCIPLES

1. Street Trading is regarded as an acceptable activity in Bromsgrove within the consented areas (Appendix A), provided that it is located where it can make a positive contribution to add interest, vibrancy, and diversity to the area and does not give rise to problems associated with Crime and Disorder.
2. The Council is the responsible authority for granting Street Trading Consents in Bromsgrove and will ensure that traders operate in accordance with conditions attached to such Consents (Appendix B).
3. The Council accepts that Bromsgrove comprises distinct areas with differing historic and commercial characters, and varying streetscape qualities, which should be individually developed and promoted.
4. The Council will consult with the following agencies:
 - The Highways Authority – Worcestershire County Council;
 - The Chief Officer of Police;
 - Worcestershire Regulatory Services – Compliance Team;
 - The Councils Street Scene and Community Services Team;
 - The Council's Community Safety Team;
 - Trading Standards;
 - The Parish Council (if any) in which the Trading Unit is to be located;
 - The Ward Councillors; and
 - The owners/occupiers of any properties near to the proposed location of trading site.
 - Any other relevant agency
5. The Crime and Disorder Act (1998) stresses the need to take positive action to combat crime and the fear of crime. Therefore, prior to granting any Street Trading Consent the Council will pay particular attention to any potential crime and disorder arising directly or indirectly from the Consent and will give significant weight to the views of the Police and Community Safety Officer.
6. The Council may issue Consent for up to one year or a lesser period where appropriate if the trading activity is seasonal or of a temporary nature.
7. Applications will only be considered where an applicant has completed an application form and will not be granted unless an applicant has paid the appropriate Consent fee.
8. Applications for a Street Trading Consent will be considered and determined under the Council's Scheme of Delegation by the Head of Worcestershire Regulatory Services, or otherwise by the Council's Licensing Sub-Committee.

9. Where more than one trader applies for Consent to trade from an approved site, the applications will be referred to the Council's Licensing Sub-Committee.

CRITERIA FOR CONSIDERING APPLICATIONS FOR STREET TRADING CONSENTS

When considering an application for a Street Trading Consent, the Council will take into account the following matters when reaching its decision:

1. Responses from Consultees and other interested parties.
2. The proposed siting and design of the street trading vehicle and whether or not it enhances the area within the immediate vicinity.
3. Any potential obstruction to the free flow of pedestrians or of vehicles in the street, with special regard for the visually impaired.
4. Road safety, either arising from the siting of the street trading vehicle or as a result of customer visiting or leaving the site, including existing traffic orders and waiting restrictions.
5. The nature of the proposed goods to be traded and whether this will create conflict with the trade of adjacent, established shops.
6. Whether the proposed siting of the street trading vehicle obstructs the frontage of adjacent established shops.
7. The numbers, distribution and location of existing street trading consents.
8. The likelihood of excessive noise, odour and litter being generated.
9. Whether the proposal would conflict with any other policies of the Council.

CONSENTED STREETS	PROHIBITED STREETS
<p>ALL STREETS WITHIN BROMSGROVE DISTRICT EXCEPT THOSE DESIGNATED AS PROHIBITED STREETS AND STREETS WITHIN THE TOWN CENTRE USED FOR MARKET PURPOSES.</p>	<p>Worcester Road</p> <p>Hanover Street</p> <p>St. John Street</p> <p>Chapel Street</p> <p>Mill Lane</p> <p>Market Street</p> <p>Church Street</p> <p>Station Street</p> <p>High Street</p>

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