



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING (MISCELLANEOUS) SUB-COMMITTEE B

FRIDAY 21ST JULY 2017 AT 10.30 A.M.

**PARKSIDE SUITE FOR STREET TRADING APPLICATION
TRAINING ROOM FOR HACKNEY CARRIAGE / PRIVATE HIRE
APPLICATIONS / REVIEWS**

PARKSIDE, MARKET STREET, BROMSGROVE, B61 8DA

MEMBERS: Councillors R. L. Dent (Chairman), M. T. Buxton and S. A. Webb

Reserve Member: Councillor H. J. Jones

AGENDA

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
3. Street Trading Consent Hearing Procedures (Pages 1 - 4)
4. Application for a Street Trading Consent, Layby, Southbound A491, DY9 9UG (Pages 5 - 22)
5. To consider, and if considered appropriate, to pass the following resolution to exclude the public from the meeting during the consideration of items of business containing exempt information:-

"RESOLVED: that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following items of business on the grounds that 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 as set out below, and that it is in the public interest to do so:-

Item No.	Paragraphs	
6	1, 2 and 3	
7	1, 2 and 3	
8	1, 2 and 3	"

LICENSING (MISCELLANEOUS) SUB-COMMITTEE B HEARING PROCEDURE (Pages 23 - 24)

6. Hackney Carriage and Private Hire Vehicle Driver's Licence - Review (Pages 25 - 42)
7. Hackney Carriage and Private Hire Vehicle Driver's Licence - Review (Pages 43 - 70)
8. Hackney Carriage Vehicle - Application (Pages 71 - 130)

K. DICKS
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

12th July 2017



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

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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.

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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 so that the Sub-Committee can reach its decision in private.
15. The Sub-Committee's decision will be confirmed in writing to the Applicant and those parties who made representations within five working days.

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, a decision will be made within 5 working days.***

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BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

21ST JULY 2017

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1982

CONSIDERATION OF THE GRANT OF A STREET TRADING CONSENT

PUBLIC HEARING	
Director:	Head of Worcestershire Regulatory Services
Contact Officer:	Mrs A May Technical Officer 01905 822799 ann.may@worcsregservices.gov.uk
Ward(s) affected:	Belbroughton and Romsley
Appendices:	Appendix 1 – Application Form and location map Appendix 2– Representations received Appendix 3 – Street Trading Policy

1. PURPOSE OF REPORT

- 1.1 To consider and determine an application for street trading consent in respect of the site below:

**Layby
Southbound A491
DY9 9UG**

A copy of the application is attached at **Appendix 1**.

2. BACKGROUND

- 2.1 On 18/5/2017 an application was received from Mr Jason Riley to sell hot and cold food and drinks from a layby on A491 southbound, DY9 9UG.

2.2 The application contained all the requisite documentation including the fee.

2.3 On the 23/5/17 the application was sent by email and by hand delivery to Responsible Authorities and local residents for consultation. The closing date for representations was 19/06/2017

3. REPRESENTATIONS

Responsible Authorities

No representations received.

Other Persons

3.1 Two representations have been received from local residents and are attached at **Appendix 2.**

4. LOCAL POLICY CONSIDERATIONS

4.1 The Sub-Committee should have regard to the Council's Street Trading Policy which is attached at **Appendix 3.**

4.2 The Street Trading Policy is available to download from the Council's website or to request a hard copy, contact Worcestershire Regulatory Services on 01905 822799 or email wrsenquiries@worcsregservices.gov.uk

5. LEGAL IMPLICATIONS

5.1 The Sub-Committee is obliged to determine this application in accordance with the Local Government (Miscellaneous Provisions) Act, 1982.

5.2 In making its decision, the Sub-Committee is obliged to have regard to the street trading policy adopted by The Council.

5.3 The Sub-Committee must also have regard to the representations made and the evidence it hears.

5.4 The Sub-Committee must take such of the following steps as it considers appropriate:

- (a) Allow the consent to be granted
- (b) Refuse the application

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- 5.5 Paragraph 9 (5) of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 states that where a consent is surrendered or revoked, the council shall remit or refund, as they consider appropriate, the whole or a part of any fee paid for the grant or renewal of the consent.
- 5.6 All parties to the hearing will be notified of the Sub-Committee's decision in writing within five working days of the conclusion of the hearing.
- 5.7 The Sub-Committee are advised that The Local Government (Miscellaneous Provisions) Act 1982 does not provide any direct right of appeal against a decision to revoke a street trading consent. Therefore a consent holder aggrieved by a decision to revoke a street trading consent, would only be able to challenge that decision by making an application for a judicial review
- 5.8 The hearing should be conducted in accordance with the agreed procedure.
- 6. FOR DECISION**
- 6.1 The Sub-Committee must consider whether to grant or refuse the application made by Mr Jason Riley.

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Application for a Street Trading Consent

Full Name

JASON RILEY

Full Residential Address

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	✓	6- 4 pm	Friday	✓
Tuesday	✓		Saturday	✓
Wednesday	✓		Sunday	✓
Thursday	✓			

To sell (describe articles to be sold)

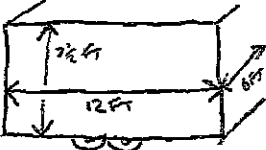
BACON TEA
SAUSAGE COFFEE
EGG WATER
BURGER
CHIPS

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

PLEASE SEE ATTACHED MAP

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

Description of mobile unit, including dimensions

	<p>HEIGHT = 7 1/2 FT LENGTH = 12 FT WIDTH = 6 FT</p>
---	--

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

ENVIRONMENTAL HEALTH

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

Date

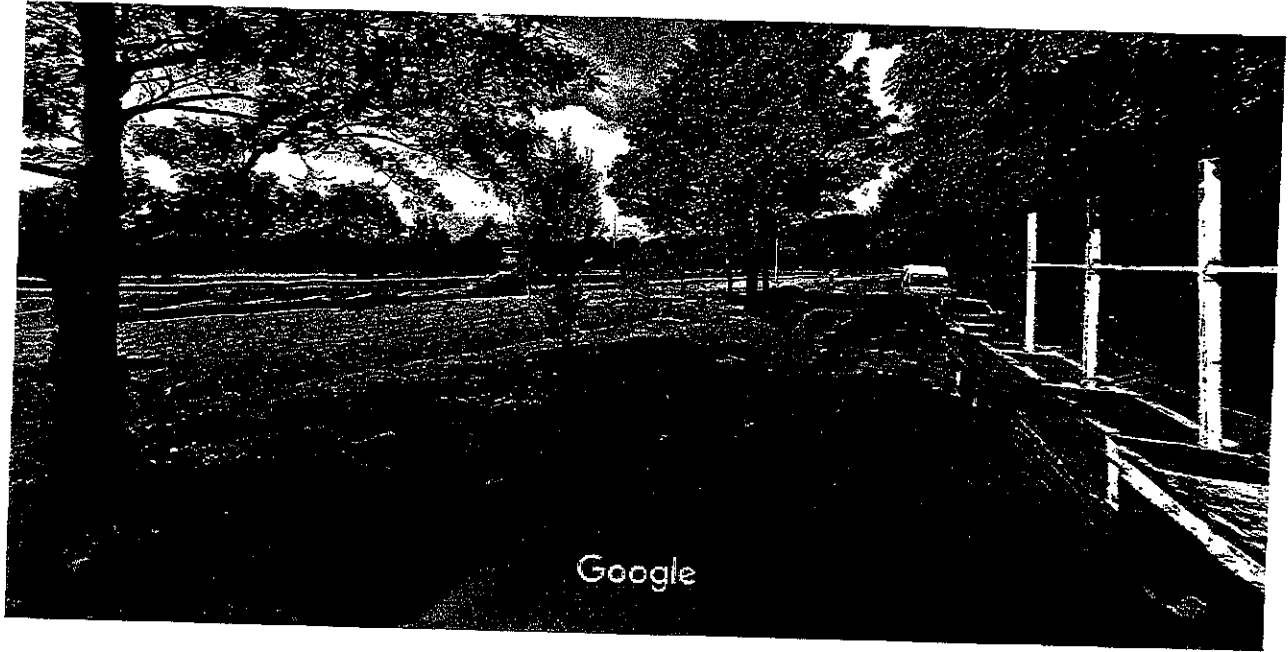
18/05/2017

Please return this form and any supporting documents to the Licensing Section, Worcestershire Regulatory Services Wyre Forest House, Finepoint Way, Kidderminster DY11 7WF

Telephone: 01905 822799

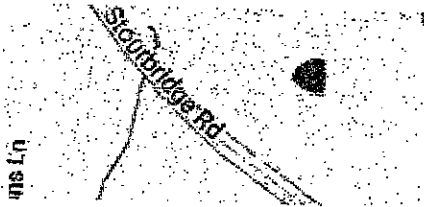
Email: wrslicensingadmin@worcesterservices.gov.uk

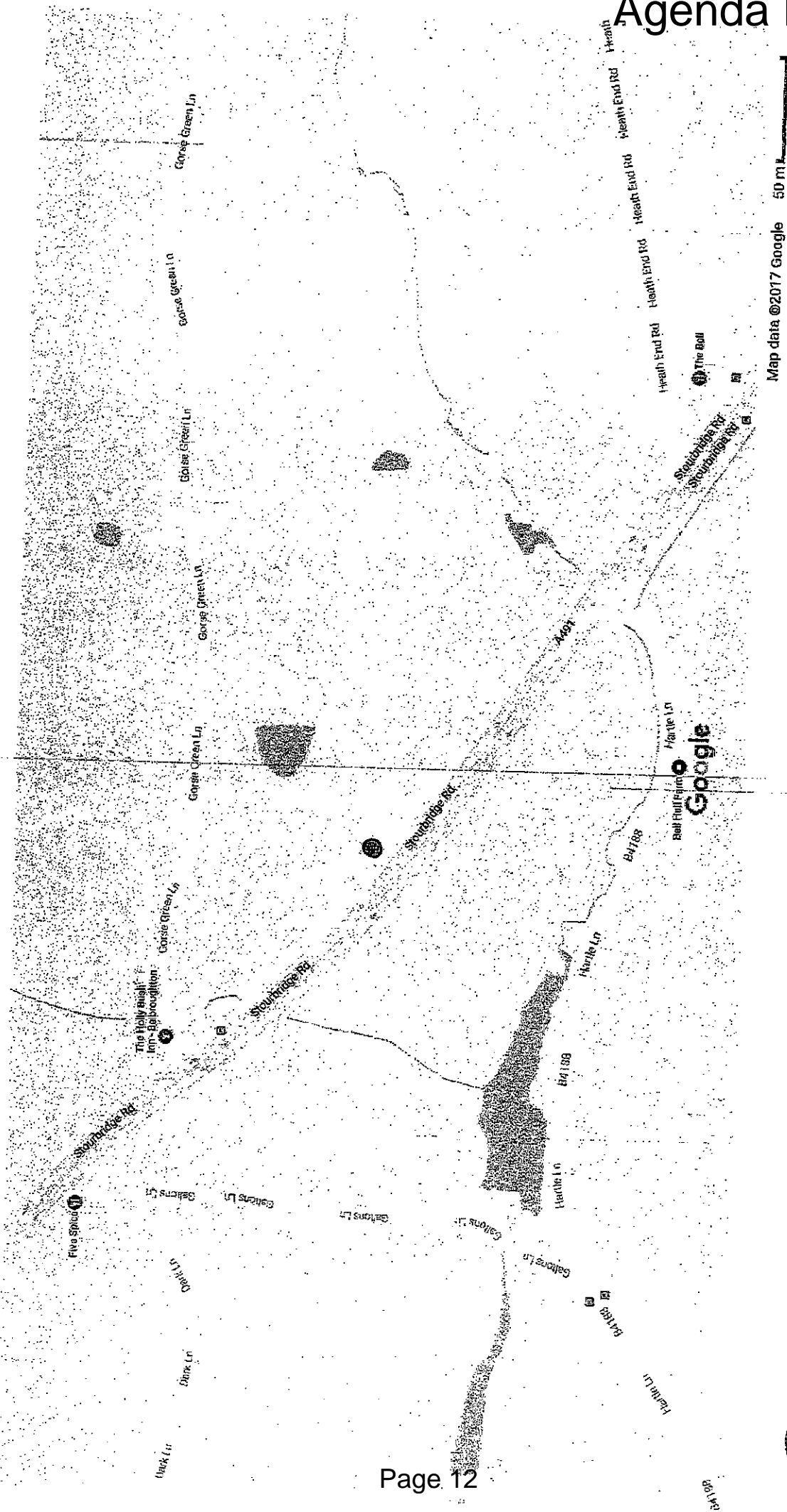
Google Maps England



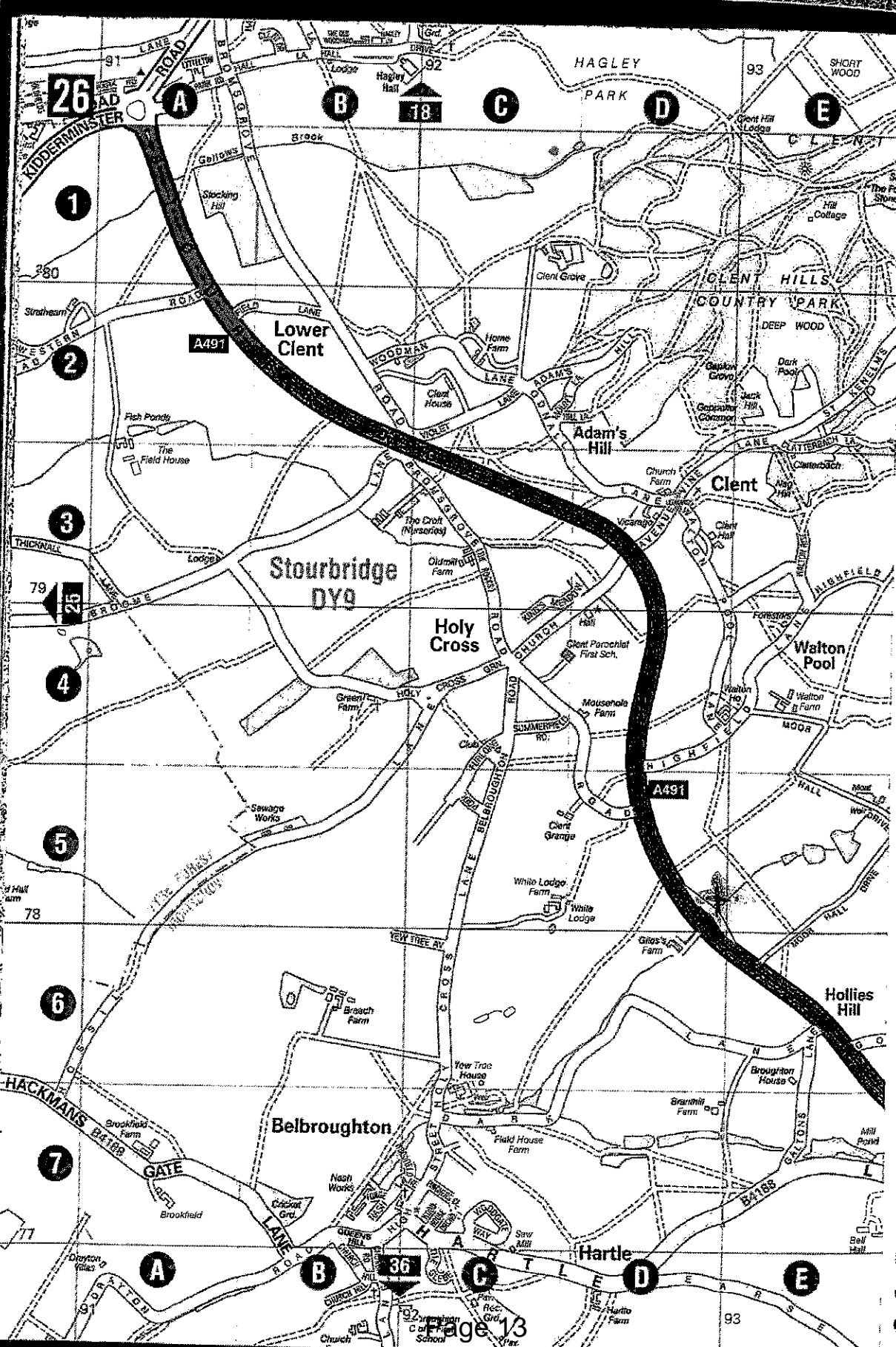
Street View - Sep 2009

Image capture: Sep 2009 © 2017 Google





== PROPOSED LOCATION OF UNIT WHEN TRADING



26

18

1

2

3

4

5

6

7

Stourbridge DYKE

Holy Cross

Belbroughton

Hartle

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On Monday, 19 June 2017, 12:33,

Dear Mrs May

Further to your letter of 22 May 2017, I am writing to make my objection as a resident to the application for a mobile food van to be sited in the layby

As you will be aware, there are currently 2 other food vans sited on the dual carriageway - one higher up before the Holly Bush pub and the other on the opposite side of the dual carriageway. Is the proposal for there to be a further van or is one of the existing vans re-siting? Neither of the current vans are sited within residential areas of the road, whereas this proposed siting is. I am concerned by the long hours of trading proposed and the affects it will have in terms of traffic using the layby, noise, litter and public safety.

I attach photos of the layby which as you will see is already a heavily used area for both cars and lorries. By siting a fast food van in this area (which surely should be primarily used for drivers to rest), this will only increase the volume of vehicles using the layby. Both my children and I walk along the footpath alongside the layby everyday to walk the dog and as you can see the trees are very overgrown making the footpath difficult to use. Visibility is poor and my concern is that vehicles will, as they currently do, mount the grass verge to pass lorries and cars parked in the layby. As I am sure you will appreciate, this is not ideal when pedestrians are not clearly visible on the footpath.

I have to cut across the layby to join the footpath on the other side as you will see from the photos that it is not the safest of crossings. An increase in the volume of traffic using the layby will only make this more dangerous. Again, the trees along the footpath and the entrance to the layby are overgrown which reduces visibility for both the driver and anyone using the area to cross.

I await your response.

Regards



HARD COPY OF EMAIL SENT 14.6.2017

RE: STREET TRADING A491

From

To

Date Wed 10:42

Dear Mrs May,

I recently received a letter from you regarding a proposed Street Trading Application on the A491 near Belbroughton. I am very concerned about this and am writing to you to express my objections to this proposal.

My property is

question. In previous years, there have been mobile catering vans in this lay-by and these have caused inconveniences which led me to complain by telephone on a number of occasions to the Highway Authorities. These have been unpleasant litter around the site and posters and other signage tied to the street furniture which is at the southbound, before the lay-by in the increased number of vehicles parking there and the stationing of a mobile toilet unit permanently on site. All this, I feel is incompatible with the proximity of residential properties at each end of the lay-by.

Currently, the level of daytime parking or overnight parking of one or two lorries is not incompatible with the proximity of the lay-bay to residential properties and the function of the A491. There are already existing facilities of a mobile service at the previous lay-by on the southbound A491, and a further more substantial mobile service at the entry to the northbound A491, just below the Fairfield roundabout, in addition to the two pubs and a restaurant all in walking distance from the lay-by itself.

I repeat that I am concerned about this proposal and would hope that it would not be authorised.

Yours sincerely,



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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BROMSGROVE DISTRICT COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

STREET TRADING - STANDARD CONDITIONS

1. Bromsgrove District Council (“the Council”), pursuant to Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 (“the Act”) have resolved that Schedule 4 to the Act, to control street trading in the district should come into force from May 2010.
2. The Council has resolved that every street within the area of the district of Bromsgrove is to be designated as a Consent Street” under the Act, (except those shown at Appendix One and nominated as Prohibited Streets) which means a street in which street trading is prohibited without a Consent issued by the Council.
3. A street trading Consent is issued by the Council subject to the following conditions, insofar as they do not conflict with or are amended by any specific conditions imposed on the grant of the Consent:-
 - (a) The Consent is valid for the period shown on the Consent
 - (b) The Consentee shall pay a fee to the Council in accordance with the approved list of fees.
 - (c) The Consent may be surrendered by the Consentee at any time, providing that the Council shall repay to the Consentee that part of the fee considered by the Council appropriate for the unexpired period of the licence, less £35 for administrative expenses.
 - (d) The Consent holder must at all times while trading display in a conspicuous position the Consent issued by the Council.
 - (e) The Consentee shall not carry on his/her trade in such a way as to cause obstruction of any part of the street in which he/she is trading, or danger to persons using the street.
 - (f) The Consentee shall not carry on his/her trade in such a way as to cause a nuisance or annoyance to persons using the street or to occupiers in the vicinity.
 - (g) The Consentee shall not sell any type of food, goods or merchandise other than that specified in the Consent.
 - (h) The Consentee shall provide and maintain, where appropriate, adequate facilities for the collection of litter resulting from his/her trading and at the close of each trading day shall remove any litter resulting from his/her trading from the street. Proof of a Trade Waste Agreement

Agenda Item 4

should accompany the application. The Consentee shall be responsible for any damage to the highway or otherwise resulting from the trading activity.

- (i) The Consentee shall make such provision as is necessary to prevent the deposit in any street of solid or liquid refuse occurring from the trading activity and shall not discharge any waste water to the street surface or to the surface water drains.
- (j) The Consentee shall not use any television, tape recorder or other device for the reproduction of sound while trading without the express permission of the Council.
- (k) The Consentee shall not trade outside the times and days permitted by the Consent
- (l) The Consentee shall not trade in any location other than the location permitted by the Consent
- (m) Any vehicle, stall or container used by the Consentee in the course of street trading shall be constructed and maintained to the satisfaction of the Council and shall comply with legislation in force at the time or any relevant British Standard.
- (n) The use and storage of liquid petroleum gas shall comply with the Code of Practice or requirements of the Fire Officer.
- (o) The Consent shall not operate for any other purpose than to permit the Consentee to trade in a Consent street in accordance with the conditions imposed. The Consentee must ensure that he/she has obtained any other approval or registration required under any other statutory provisions relevant to his/her trade.
- (p) The Consentee must be 18 years of age or over and shall be responsible at all times for control of the stall. Any persons assisting on the stall shall be 18 years of age or over.
- (q) The Consent is personal to the Consent holder and shall not be assigned or transferred to any other person or company.
- (r) The Consent holder or his employee must move his vehicle/stall or vacate the site immediately upon the instruction of a Police Officer or Authorised Officer of the Council.
- (s) Nothing herein contained shall prejudice the rights, powers, duties and obligations of the Council or any other enforcing authority under any public or private statutes, orders, regulations or byelaws.
- (t) The Consent holder shall at all times maintain a valid Third Party Public Liability Insurance policy to the satisfaction of the Council and shall

Agenda Item 4

produce a valid certificate of such insurance at any time upon the request.

- (u) Nothing contained in these conditions shall relieve or excuse the Consent holder or his/her employee or agent from any legal duty or liability and the Consent holder shall indemnify the Council in respect of all claims, actions, demands or costs arising from trading.
- (v) The conditions attached to the Consent may be varied by the Council at any time.
- (w) Any breach of these conditions may lead to the Consent being suspended or revoked.
- (x) In these conditions “the Consent” means a Consent issued under Section 3 of and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982. Consentee means the person named on the Consent issued by the Council and includes any employee, servant or agent of the licence holder and “the Council” means Bromsgrove District Council.

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Appendix

TAXI LICENSING

HEARING PROCEDURE

1. The Chairman will open the hearing and introduce the members of the Sub-Committee and officers present.
2. The Chairman will ask the Applicant and his/her representative 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 Technical Officer (Licensing), Worcestershire Regulatory Services will present the report and call any witnesses.
5. The Chairman will invite Members of the Sub-Committee and the Applicant to ask any relevant questions of the Technical Officer or the witnesses.
6. The Chairman will invite the Applicant or his/her representative to present the Applicant's case and to call any witnesses on behalf of the Applicant.
7. The Chairman will invite members of the Sub-Committee to put questions to the Applicant and/or his/her representative and/or witnesses.
8. The Chairman will invite the Applicant and/or his/her legal representative to sum up.
9. The Chairman will ask the Applicant to confirm that he/she has said all he/she wishes to.
10. The Chairman will ask the Sub-Committee Members if they have all the information they need to reach a decision.
11. The Chairman will ask the Legal Advisor if there is any legal advice to be given.
12. The Applicant and any other parties present will retire from the meeting room so that the Sub-Committee can reach its decision in private.
13. When the Sub-Committee has reached its decision the Applicant and his/her representative will be invited to return to the meeting room. The Chairman will relay the decision and the reason(s) for the decision to the Applicant.
14. The Chairman will inform the Applicant of the date on which the decision will take effect and of any right of appeal.

An appeal to the Magistrates' Court against the Sub-Committee's decision must be lodged within 21 days of the date on which written confirmation of the decision is received by the Applicant.

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By virtue of paragraph(s) 1, 2, 3, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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of the Local Government Act 1972.

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Agenda Item 6

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of the Local Government Act 1972.

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