

**BROMSGROVE DISTRICT COUNCIL**

**VIRTUAL MEETING OF THE  
LICENSING (MISCELLANEOUS) SUB-COMMITTEE B**

**WEDNESDAY, 26TH AUGUST 2020, AT 11.17 A.M.**

PRESENT: Councillors H. J. Jones (Chairman), S. A. Hughes and C. J. Spencer

Observers: Councillor M. Thompson, Reserve Member

Officers: Mrs. V. Brown, Mrs. A. May, Mr. P. Morrish, Mrs. P. Ross and Mrs S. Sellers

1/20 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

No apologies for absence were received.

2/20 **DECLARATIONS OF INTEREST**

All Members present at the meeting declared a pecuniary interest with regard to Agenda Item 3 – Application for a Street Trading Consent, Longlands Farm, Stoney Lane, Broad Green, Bromsgrove, B60 1LZ; in that they were all acquainted with Councillor P. J. Whittaker, through his role as a District Councillor; and were aware that the Application site was on his land.

The Chairman took the opportunity to inform all those present that a reference had been made on page 12 of the main agenda report, that Councillor P. J. Whittaker, who was a member of the Licensing Committee, had been consulted with as the applicant for the Street Trading Consent being sought for on the gravel frontage adjacent to Longlands Farm. The Chairman informed all those present that Councillor P.J. Whittaker was not the applicant.

Note: that under this item Sub-Committee Members agreed to alter the running order of the agenda.

3/20 **APPLICATION FOR A STREET TRADING CONSENT - BRANSONS  
CROSS FARM, BEOLEY LANE, BEOLEY, WORCESTERSHIRE, B98  
9DP**

The Chairman welcomed all participants to the virtual meeting and in doing so, checked that Members of the Sub-Committee, officers and public speakers were present.

The Chairman asked the applicant's representative if she had been made aware that she could be represented by a legal representative at the applicant's own expense during the Hearing. The applicant's representative confirmed that she had been made aware and was happy for the Hearing to continue.

The Chairman confirmed that she had carried out an unannounced Site Visit to the proposed trading site, however, she was unable to access the actual site as it was on private land. Councillor C. J. Spencer stated that she was very familiar with the area.

The Sub-Committee then considered an application for street trading consent to sell hot and cold food and drinks from a unit on a privately-owned yard at Bransons Cross Farm, Beoley Lane, Beoley, B98 9DP.

The Technical Officer, Worcestershire Regulatory Services (WRS) outlined the details of the application, together with the reasons why the application had been brought before the Sub-Committee. It was confirmed that the Responsible Authorities had been consulted with and that no representations had been received.

However, seven representations had been received from members of the public. The Technical Officer drew Members' attention to the fact that those members of the public who had submitted representations were not considered to be within the vicinity for the purposes of notification under section 3.3.1 of the Council's Street Trading policy.

At the invitation of the Chairman, Ms. S. Walker, the applicant's representative was asked to put forward the case in support of the application.

Ms. Walker commented that she was happy with the information provided by the Technical Officer, WRS and had nothing further to add.

In response to the Council's Legal Advisor with regard to the representations received expressing concerns in respect of rubbish and the potential for vermin; Ms. Walker stated that general rubbish was put into the on-site bins, which were delivered and collected weekly by Biffa. As a general rule, they did not cook more food than was required, but should this happen, that food was taken home to be consumed. With bins supplied and collected weekly and no food wastage left on site, Ms. Walker did not envisage any issues with vermin.

In response to the Chairman with regard to the representations received about the current signage used, Ms. Walker explained that should the Street Trading Consent be granted, the applicant would seek advice from the Council regarding suitable signage and where that signage could be placed.

The Chairman took the opportunity to inform Ms. Walker that, Councillor M. Thompson was present as the Reserve Member and would take no part in the decision making process.

The Council's Legal Advisor informed Members that they should consider all of the information and evidence as presented during the course of the Hearing and the written representations received from local residents. The application site was on private land, however, a Street Trading Consent was still required as it was an area to which the public had access.

Some matters raised were outside of the Sub-Committee's remit, namely, planning or future businesses to be developed on the site, she would ask Members to put any references to these to the back of their minds. Members should consider the location of the site and the location of those who had raised objections and should consider if those who had raised objections would be materially affected by any Street Trading activities at the site.

The Sub-Committee then adjourned to consider its decision, upon its return it was

**RESOLVED** that the application for a Street Trading Consent be granted.

Having had regard to:

- The report presented by the Technical Officer (Licensing), Worcestershire Regulatory Services (WRS).
- The Council's Street Trading Policy.
- The written application from Mr. Stephen Walker and the oral representations, provided at the Hearing by Ms. Stephanie Walker, the applicant's representative.
- The seven written objections submitted by other persons.

The reasons for the Sub-Committee's decision were as follows:

- Members considered the application and representations presented by and on behalf of Mr. Walker. It was noted that this business intended to operate within the site of a truck stop which was located off the main road and not directly on the highway.
- Members considered the representations with regard to the concerns that allowing the application would increase the traffic flow. Members were very familiar with the area and specifically the location of the proposed street trading activity and noted that this was a busy thoroughfare and therefore the addition of the street trading activity would not adversely add to the movement of traffic

or pollution. It was noted that the street trader would be operating from 6am – 3pm and so would not in any event be operating during the evening rush hour.

- Members noted the lack of objection from Highways who would be the primarily source of evidence to support concerns as to road safety. It was also of note that no objections or representations had been received from Highways England, West Mercia Police or Environmental Health and therefore Members concluded that there was no evidence that allowing the application would have a significant effect on road safety or pollution.
- Members were satisfied that the applicant would take steps to responsibly dispose of waste which would address any concerns relating to litter and that in turn would reduce any risk of vermin.
- It was noted by Members that those who had objected did not live in the immediate vicinity and would therefore be unlikely to be materially affected by the trader should a Street Trading Consent be granted.
- The Council's Legal Advisor reminded Members that they should only have regard to matters that fell within their remit. The development of other business in the area, as referred to by those who had submitted representations, did not fall under the Licensing Sub-Committee's remit.
- Having considered the Council's Street Trading Policy and having regard to only those matters that they should consider when determining an application; and taking into account all of the evidence provided to Members, the Sub-Committee considered it appropriate to grant the Consent.

The following legal advice was given:

- The Sub-Committee should have regard to all of the evidence provided and decide what weight to give to the representations received.
- Regard should be given to the Council's Street Trading Policy and the criteria for granting a Street Trading Consent, as detailed at 3.7.2 on page 10 of the policy.
- The Sub-Committee must consider only those matters directly relevant to the Street Trading Consent; Members must disregard any comments made with regard to any matters which fell outside of their remit.
- The Sub-Committee should determine each application on its own merit.

There was no right of appeal against the decision of the Licensing Sub-Committee.

4/20

**APPLICATION FOR A STREET TRADING CONSENT, (GRAVEL FRONTAGE ADJACENT) LONGLANDS FARM, STONEY LANE, BROAD GRREN, BROMSGROVE, B60 1LZ**

The Democratic Services Officer informed Members that the applicant was not present for the meeting. The Technical Officer, WRS, further informed Sub-Committee Members that she had not heard from the applicant with regard to attending today's meeting.

The Council's Legal Advisor informed Sub-Committee Members that she had received further information during the course of the Hearing. She had been advised by the landowner that the applicant was currently not in the Country, it was not entirely clear what her intentions were with regard to this application. It was understood that there were some contractual matters between the applicant and the person who owned the unit.

It was for Members to determine if they deemed it appropriate to consider the application or for further enquiries to be made and for the matter to be considered at a future Sub-Committee meeting.

The Sub-Committee then adjourned to consider its decision, upon its return it was

**RESOLVED** that the application for a Street Trading Consent be deferred.

The meeting closed at 12.11 p.m.

Chairman