

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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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

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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

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21. WARDS AFFECTED

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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

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