

**LICENSING  
SUB-COMMITTEE**

**4th October 2012**

**STREET TRADING CONSENT - APPLICATION**

Relevant Portfolio Holder	Councillor Kit Taylor
Portfolio Holder Consulted	No
Relevant Head of Service	Steve Jordan – Head of Worcestershire Regulatory Services
Wards Affected	Stoke Heath / Stoke Prior
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

- 1.1 To consider an application to permit street trading in respect of Mr Atila Kayaoglu who is a trader intending to provide kebabs, hot and cold drinks from a mobile unit sited at a lay-by on A38, Redditch Road, Stoke Heath, Bromsgrove.

**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 Kayaoglu producing a trade waste agreement.

2.1.2 be refused,

provided that the Sub-Committee's decision is consistent with the Council's Street Trading - Policy Statement.

**3. KEY ISSUES**

**Financial Implications**

- 3.1 If an application for a Street Trading Consent is refused the Council will refund the fee less an administration fee of £35.00.
- 3.2. There is no right of appeal in respect of Street Trading Consent.

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**Legal Implications**

- 3.3 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.
- 3.4 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). Standard Conditions are included within the Bromsgrove District Council, Street Trading – Standard Conditions.
- 3.5 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 a Consent Street from a stationary van, cart, barrow or other vehicle or from a portable stall.
- 3.6 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.
- 3.7 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.
- 3.8 The Sub-Committee must have regard to the Council's Street Trading – Policy Statement.
- 3.9 There is no right of appeal against the refusal to grant a Street Trading Consent.
- 3.10 Mr Kayaoglu has been invited to the meeting so that he can put forward his case.
- 3.11 All those making objections to this application have been invited to the meeting so they can put forward their case.

**Service/Operational Implications**

- 3.12 In accordance with the Street Trading- Policy Statement, a responsible authority is entitled to make representations. Responsible authorities consulted include:-

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- 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
  - Any other relevant agency, and
- 3.13 In accordance with the Street Trading - Policy Statement, 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 - Policy Statement.
- 3.14 The Licensing Authority received an application on 20th July 2012 to conduct Street Trading, in accordance with the Street Trading - Policy Statement at the A38 Lay-by, Redditch Road, Stoke Heath, Bromsgrove. A copy of the application can be found at Appendix A.
- 3.15 The application is seeking the following permissions:
- Street Trading**
- 16.00 pm – 23:00pm Monday to Sunday
- Actual opening hours**
- 16.00 pm – 23:00pm Monday to Sunday
- 3.16 No representations have been received from the responsible authorities named at 3.11 above.
- 3.17 Properties near to the proposed site as specified in 3.12 above have been notified and ten letters of objection have been received and are detailed at Appendix B.
- 3.18 A plan indicating the location of the proposed street trading site is attached at Appendix C.
- 3.19 A photograph of the Snack Van can be found at Appendix D.

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**Customer / Equalities and Diversity Implications**

3.20 The Licensing Sub-Committee will ensure it has regard to the desirability of exercising its functions with regard to the need to eliminate discrimination and to increase equality of opportunity. Applications received will be treated in accordance with Bromsgrove District Council's Equal Opportunities policy.

**4. RISK MANAGEMENT**

4.1 Decision made without having regard to the Council's Street Trading - Policy Statement.

**5. APPENDICES**

Appendix A – Application

Appendix B – Letters of objections from local residents

Appendix C – Map of location

Appendix D - Photo of Mobile Van

**6. BACKGROUND PAPERS**

Street Trading - Policy Statement

**AUTHOR OF REPORT**

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