

BROMSGROVE DISTRICT

**LICENSING
SUB-COMMITTEE**

15TH February 2013

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	All Wards
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 providing kebabs, burgers, chips, hot and cold drinks from a mobile unit sited at a lay-by on A38, adjacent the former Mount School, Birmingham Road, Lickey End, 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 as set out at 12.1 of the Street Trading 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. KEY ISSUES

Financial Implications

- 3.1 There are no financial implications arising from implementation of this decision. There is no right of appeal in respect of Street Trading Consent.

Legal Implications

- 3.2 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.

BROMSGROVE DISTRICT

LICENSING SUB-COMMITTEE

15TH February 2013

- 3.3 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). Model Conditions are included within the Bromsgrove District Council, Street Trading Policy.
- 3.4 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.
- 3.5 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.
- 3.6 There is no right of appeal against the refusal to grant a Street Trading Consent.
- 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 Street Trading Consent Policy adopted by Bromsgrove District Council on 20th January 2010
- 3.9 Mr Kayaoglu has been invited to the meeting so that he can put forward his case.
- 3.10 All those making objections to this application have been invited to the meeting so they can put forward their case.

Service/Operational Implications

- 3.11 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;
 - 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

BROMSGROVE DISTRICT

LICENSING SUB-COMMITTEE

15TH February 2013

- 3.12 In accordance with the Street Trading 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.
- 3.13 The Licensing Authority received an application on 8th November 2012 to conduct Street Trading, in accordance with the Street Trading Policy at A38 Lay-by, Birmingham Road, Lickey End Bromsgrove. (**Appendix A**)
- 3.14 The application is seeking the following permissions:
- Street Trading**
§ 17.00 pm – 23:00pm Monday to Sunday
- Actual opening hours**
§ 17.00 pm – 23:00pm Monday to Sunday
- 3.15 No representations have been received from the responsible authorities named at 3.11 above.
- 3.16 Properties near to the proposed site as specified in 3.12 have been notified and eight letters of objection have been received. (**Appendix B**)
- 3.17 A map indicating the location of the proposed street trading site is attached (**Appendix C**).
- 3.18 A photograph of the Snack Van is included (**Appendix D**)

Customer / Equalities and Diversity Implications

- 3.19 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 Members have to decide whether to grant the consent in the light of the information contained in the report (and any representations made by or on behalf of the applicant).

**LICENSING
SUB-COMMITTEE**

15TH February 2013

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 Consent Policy

AUTHOR OF REPORT

Name: Ann May – Licensing Officer
Worcestershire Regulatory Services

E Mail: a.may@bromsgrove.gov.uk

Tel: 01527 881405