

BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

3RD JUNE 2008

APPLICATION FOR STREET TRADING CONSENT

Responsible Portfolio Holder	Councillor Peter Whittaker
Responsible Head of Service	David Hammond

1. SUMMARY

- 1.1 To consider an application for Street Trading consent to permit the sale of ice cream and sorbets in Bromsgrove High Street.

2. RECOMMENDATION

- 2.1 That Members are asked to consider either granting the application subject to the Council's standard conditions together with those recommended by Environmental Health; or refuse the application.

3. BACKGROUND

- 3.1 The Council has received an application to sell ice cream, sorbets and possibly chocolates and fruit salad from a mobile unit in the High Street, Bromsgrove every Monday through to Saturday from 10.30 a.m. to 5.30 p.m. during the months of April to October.
- 3.2 When considering an application for street trading consent, the Council consults with Environment Health, Economic Development, Street Scene and Community and Legal Services.
- 3.3 No objections were received from both Environmental Health and Street Scene and Community, subject to the food unit complying with the provisions of current food safety and health and safety legislation.
- 3.4 Objections have however been received from Economic Development on the following grounds:
- that the positioning of the unit would interfere with the layout of the regular Farmers' Market;
 - Existing traders and shopkeepers would object;
 - Existing traders in Chapel Precinct have requested that stalls are not positioned in the vicinity of the Houseman Statue as it impedes access and visibility to their premises.

3.5 Although the Council has a number of designated consent streets in the district, which includes the High Street for street trading, at present the Council's policy is not to grant Street Trading Consents except in the most exceptional circumstances. The only permits which are now granted are (a) for the regular Farmer's Market (b) for the annual Elizabethan Street Market and (c) for the hot dog stall which trades in conjunction with the Christmas Lights switch-on.

3.6 Members' may wish to further note that Officers' are in the process of reviewing the Council's Policy with regard to Street Trading with a view to extending the Policy to incorporate the whole district including lay-bys, as well as reviewing the current fee structure. A report will be submitted to Members in due course.

4. FINANCIAL IMPLICATIONS

4.1 There are no financial implications.

5. LEGAL IMPLICATIONS

5.1 Street Trading Consents are issued in accordance with Section 3 of and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982. Paragraph 2 of the Act permits the Council to grant a consent if they think fit.

5.2 In accordance with paragraph 7(4) and 7(5) of the Act, when granting a street trading consent, the Council may 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).

5.3 Paragraph 8 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.

5.4 Paragraph 10 of the Act states that a consent may be granted for any period not exceeding 12 months, but may be revoked at any time.

5.5 There is no right of appeal against the refusal to grant a street trading consent.

6. COUNCIL OBJECTIVES

6.1 This proposal contributes to the Council's objective "Sense of community and well being".

7. RISK MANAGEMENT

7.1 There are no risks associated with the detail included in this report.

8. CUSTOMER IMPLICATIONS

8.1 The applicant will be notified in writing of the decision of the Council within five working days.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 There are no equalities and diversity implications.

10. VALUE FOR MONEY IMPLICATIONS

10.1 There are no value for money implications.

11. OTHER IMPLICATIONS

Procurement Issues None
Personnel Implications None
Governance/Performance Management None
Community Safety including Section 17 of Crime and Disorder Act 1998 None
Policy Policy implications are set out in paragraph 3.5 above.
Environmental None

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	No
Executive Director (Partnerships and Projects)	No
Executive Director (Services)	No
Assistant Chief Executive	No
Head of Service	Yes
Head of Financial Services	No

Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

13. WARDS AFFECTED

St. Johns Ward.

14. APPENDICES

None.

15. BACKGROUND PAPERS

Email received from Economic Development
Email received from Environment Health
Email received from Street Scene and Community

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