

BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

21ST JULY 2017

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1982

CONSIDERATION OF THE GRANT OF A STREET TRADING CONSENT

| PUBLIC HEARING | |
|--------------------------|---|
| Director: | Head of Worcestershire Regulatory Services |
| Contact Officer: | Mrs A May Technical Officer 01905 822799 ann.may@worcsregservices.gov.uk |
| Ward(s) affected: | Belbroughton and Romsley |
| Appendices: | Appendix 1 – Application Form and location map Appendix 2– Representations received Appendix 3 – Street Trading Policy |

1. PURPOSE OF REPORT

- 1.1 To consider and determine an application for street trading consent in respect of the site below:

**Layby
Southbound A491
DY9 9UG**

A copy of the application is attached at **Appendix 1**.

2. BACKGROUND

- 2.1 On 18/5/2017 an application was received from Mr Jason Riley to sell hot and cold food and drinks from a layby on A491 southbound, DY9 9UG.

- 2.2 The application contained all the requisite documentation including the fee.
- 2.3 On the 23/5/17 the application was sent by email and by hand delivery to Responsible Authorities and local residents for consultation. The closing date for representations was 19/06/2017

3. REPRESENTATIONS

Responsible Authorities

No representations received.

Other Persons

- 3.1 Two representations have been received from local residents and are attached at **Appendix 2.**

4. LOCAL POLICY CONSIDERATIONS

- 4.1 The Sub-Committee should have regard to the Council's Street Trading Policy which is attached at **Appendix 3.**
- 4.2 The Street Trading Policy is available to download from the Council's website or to request a hard copy, contact Worcestershire Regulatory Services on 01905 822799 or email wrsenquiries@worcsregservices.gov.uk

5. LEGAL IMPLICATIONS

- 5.1 The Sub-Committee is obliged to determine this application in accordance with the Local Government (Miscellaneous Provisions) Act, 1982.
- 5.2 In making its decision, the Sub-Committee is obliged to have regard to the street trading policy adopted by The Council.
- 5.3 The Sub-Committee must also have regard to the representations made and the evidence it hears.
- 5.4 The Sub-Committee must take such of the following steps as it considers appropriate:
- (a) Allow the consent to be granted
 - (b) Refuse the application

- 5.5 Paragraph 9 (5) of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 states that where a consent is surrendered or revoked, the council shall remit or refund, as they consider appropriate, the whole or a part of any fee paid for the grant or renewal of the consent.
- 5.6 All parties to the hearing will be notified of the Sub-Committee's decision in writing within five working days of the conclusion of the hearing.
- 5.7 The Sub-Committee are advised that The Local Government (Miscellaneous Provisions) Act 1982 does not provide any direct right of appeal against a decision to revoke a street trading consent. Therefore a consent holder aggrieved by a decision to revoke a street trading consent, would only be able to challenge that decision by making an application for a judicial review
- 5.8 The hearing should be conducted in accordance with the agreed procedure.

6. FOR DECISION

- 6.1 The Sub-Committee must consider whether to grant or refuse the application made by Mr Jason Riley.