

**BROMSGROVE DISTRICT COUNCIL**

**LICENSING SUB-COMMITTEE**

**14<sup>TH</sup> JUNE 2018**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1982**

**CONSIDERATION OF THE GRANT OF A STREET TRADING CONSENT**

<b>PUBLIC HEARING</b>	
<b>Director:</b>	<b>Head of Worcestershire Regulatory Services</b>
<b>Contact Officer:</b>	<b>Mrs A May Technical Officer 01905 822799 ann.may@worcestershire.gov.uk</b>
<b>Ward(s) affected:</b>	<b>Aston Fields</b>
<b>Appendices:</b>	<b>Appendix 1 – Application Form, photograph's and location map Appendix 2 - Representations received Appendix 3 - Street Trading Policy</b>

**1. PURPOSE OF REPORT**

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

**Carriage Way – Sugarbrook Road  
Aston Fields Industrial Estate  
B60 3DR**

A copy of the application is attached at Appendix 1.

**2. BACKGROUND**

- 2.1 On 14/03/2018 an application was received from Mr David Barnicoat to sell hot and cold food and drinks from a unit placed on the carriage way of Sugarbrook Road, Aston Fields, Bromsgrove B60 3DR.

2.2 The application did not contain all the requisite documentation and further contact was made with the applicant to request further documentation including the administration fee of £35.00

2.3 On the 04/04/2018 the application was sent by email and by hand delivery to Responsible Authorities and local residents for consultation. The closing date for representations was 01/05/2018

### **3. REPRESENTATIONS**

#### Responsible Authorities

3.1 No representations received.

#### Other Persons

3.2 Three 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 and page 10, 3.7 Key Considerations, 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](mailto: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 David Barnicoat.