

BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

1ST FEBRUARY 2019

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1982

REVIEW OF A STREET TRADING CONSENT

1ST FEBRUARY 2019

PUBLIC HEARING	
Director:	Head of Worcestershire Regulatory Services
Contact Officer:	Paul Morrish Technical Officer 01905 822799 Paul.morrish@worcsregservices.gov.uk
Ward(s) affected:	Aston Fields
Appendices:	Appendix 1 – Copy of original application form Appendix 2 - Representation from nearby business Appendix 3 – Street Trading Policy

1. PURPOSE OF REPORT

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

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

A copy of the original application submitted by the applicant, Mr Barnicoat on 14th March 2018, is attached as **appendix 1**.

2 BACKGROUND

- 2.1 Following a hearing on 14th June 2018, members granted street trading consent to Mr Barnicoat at the location on Sugarbrook Road for a trial period of 6 months during which any adverse impact of the trading can be assessed.
- 2.2 On 26th October 2018 a consultation exercise was undertaken where nearby businesses and responsible authorities were notified that Mr Barnicoat wishes to carry on trading past the 6 month trial period, and also as an exercise to establish if there has been any negative impact of the trading as per members decision.

3. REPRESENTATIONS

- 3.1 No representations have been received from any of the responsible authorities.
- 3.2 One representation has been received from a nearby business and is attached at **appendix 2**
- 3.3 In addition to the consultation exercise, no other complaints or concerns have been made to the Licensing Office as a result of the trading activities of Mr Barnicoat at the location on Sugarbrook Road.

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 as **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 David Barnicoat.