

**BROMSGROVE DISTRICT COUNCIL**

**LICENSING SUB-COMMITTEE**

**10<sup>TH</sup> DECEMBER 2019**

**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>Paul Morrish Technical Officer (Licensing) 01905 822799</b>
<b>Ward(s) affected:</b>	<b>Avoncroft</b>
<b>Appendices:</b>	<b>Appendix 1 – Application Form, photograph's and location map Appendix 2– Representation from resident 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:

**A38 Layby  
Buntsford Hill  
Bromsgrove  
B60 4JE**

A copy of the application is attached at Appendix 1.

**2. BACKGROUND**

- 2.1 On 8<sup>th</sup> October 2019 an application was received from Mr Alan Palmer to sell hot and cold food and drinks from a unit located on the A38 layby, Buntsford Hill, Bromsgrove B60 4JE

- 2.2 The proposed trading hours are Monday to Saturday, 7am-3am.
- 2.3 The application contained all the requisite documentation required and it can be confirmed that a public notice was displayed the location, as per the requirement of the policy.
- 2.4 The application was circulated to the various responsible authorities and the residents of properties which are close the proposed location, were also notified of the application.
- 2.5 Members should be made aware that a trader previously operated from the same location for several years, also selling hot food and drinks and for the similar trading hours as proposed by the applicant. This trader recently ceased trading at the location. There is no provision however in the Council's street trading policy to allow for a transfer of consent, therefore Mr Palmer was advised a new application would be required.

### **3. REPRESENTATIONS**

#### Responsible Authorities

- 3.1 No representations received.

#### Other Persons

- 3.2 One representation has been received from a local resident and is 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 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](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. Alan Palmer.