

BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

26TH AUGUST 2020

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:	Ann May Technical Officer (Licensing) 01905 822799
Ward(s) affected:	Tardebigge
Appendices:	Appendix 1 – Application Form, photograph's and location map Appendix 2– Objection from Planning 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:

Gravel Frontage adjacent
Longlands Farm
Stoney Lane
Broad Green
Bromsgrove
B60 1LZ

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

2. BACKGROUND

- 2.1 On 2nd July 2020 an application was received from Ms Lucy Williams to sell hot and cold food and drinks from a wooden hut located on the gravel frontage adjacent Longlands Farm, Stoney Lane, Broad Green, Bromsgrove B60 1LZ.
- 2.2 The proposed trading hours are Monday to Friday, 08.00am to 14.00 hrs. And Saturday 6am to 12 noon.
- 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.

3. REPRESENTATIONS

Responsible Authorities

A representation has been received from Bromsgrove District Councils Planning Department, attached at **Appendix 2**

The objection is submitted on the grounds that the street trading unit will detract and cause harm to the openness and visual amenities of the Green Belt in this location.

Councillor Peter Whittaker is referred to within the representation as the applicant, that is not the case the applicant is Ms. Lucy Williams.

Other Persons

No representations received

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

The policy includes under “Key Considerations” that the Council will have regard to all of the circumstances and all of the representations and objections that it receives. The Council will normally grant or renew a Street Trading Consent unless in its opinion one or more of the criteria at 3.7.2 are identified which would prevent the grant or renewal of a Street Trading Consent.

5. LEGAL IMPLICATIONS

- 5.1 In making its decision, the Sub-Committee is obliged to have regard to the street trading policy adopted by The Council.
- 5.2 The Sub-Committee must also have regard to the representations made and the evidence it hears.
- 5.3 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
- 5.4 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.
- 5.5 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.
- 5.6 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.
- 5.7 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 Ms Lucy Williams.