

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:	Alvechurch South
Appendices:	Appendix 1 – Application Form, photograph's and location map Appendix 2– Representations from distant neighbours 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:

Bransons Cross Farm

Beoley Lane

Beoley

Worcestershire

B98 9DP

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

2. BACKGROUND

- 2.1 On 26th June 2020 an application was received from Mr. Stephen Walker to sell hot and cold food and drinks from a unit located on a privately owned yard at Bransons Cross Farm, Beoley Lane, Beoley B98 9DP.

- 2.2 The proposed trading hours are Monday to Friday, 6am-3am. 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 to the proposed location, were also notified of the application.
- 2.5 The Street Trading Policy sets out at 3.3 those agencies, businesses or individuals who are notified of the application. At 3.3.4 of the policy it is confirmed that “Representations or objections will be accepted from any of the bodies listed at 3.3.1 and any other individual or business that can demonstrate that they would be materially affected by the proposed street trading activities.”

3. REPRESENTATIONS

Responsible Authorities

No representations received.

Other Persons

- 3.1 Seven representations have been received from members of the public who were not considered to be within the vicinity for the purposes of notification under 3.3.1.
- 3.2 The Sub Committee will consider the objections received under 3.3.4 and will consider whether the individual objectors can demonstrate that they would be materially affected by the proposed street trading activity.
- 3.3 The representations 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 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 Mr. Stephen Walker.