

**BROMSGROVE DISTRICT COUNCIL**

**LICENSING SUB-COMMITTEE**

**THURSDAY 22<sup>ND</sup> OCTOBER 2020**

**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>Ann May Technical Officer (Licensing) 01905 822799</b>
<b>Ward(s) affected:</b>	<b>Alvechurch Village</b>
<b>Appendices:</b>	<b>Appendix 1 – Application Form, photograph's and location map Appendix 2– Representation from Relevant Authority Appendix 3– Representation from Neighbouring Business Appendix 4– Representations from adjacent residents  Appendix 5 – 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:

Cms Auto Services  
2A Birmingham Road  
Alvechurch  
Worcestershire  
B48 7TA

A copy of the application is attached at Appendix 1.

## **2. BACKGROUND**

- 2.1 On 28<sup>th</sup> August 2020 an application was received from Mr Harry Fellows to sell hot and cold food and drinks from a unit located on a privately owned car sales forecourt at 2A Birmingham Road, Alvechurch B48 7TA.
- 2.2 The proposed trading hours are Monday to Friday, 8am-2pm.
- 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

3.1 One representation was received from Worcestershire County Council' Highways Department and is attached at **Appendix 2**

### Other Persons

- 3.2 One representation has been received from a neighbouring business . The representation is attached at **Appendix 3**.
- 3.3 Other Persons – Residents close to the proposed site
- 3.4 Two representations have been received from residents and property owners adjacent to the proposed trading site. The representations have been attached at **Appendix 4**.

## **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 5**.
- 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 Harry Fellows.