

**BROMSGROVE DISTRICT COUNCIL**

**LICENSING SUB-COMMITTEE**

**17<sup>TH</sup> NOVEMBER 2020**

**HIGHWAYS ACT 1980**

**APPLICATION FOR GRANT OF STREET AMENITY CONSENT**

<b>PUBLIC HEARING</b>	
<b>Director:</b>	<b>Head of Worcestershire Regulatory Services</b>
<b>Contact Officer:</b>	<b>Paul Morrish Technical Officer 01905 822799 paul.morrish@worcsregservices.gov.uk</b>
<b>Ward(s) affected:</b>	<b>Sanders Park</b>
<b>Appendices:</b>	<b>Appendix 1 – Application and plan Appendix 2 - Representation Appendix 3 – Street Amenity policy</b>

**1. PURPOSE OF REPORT**

- 1.1 To consider and determine an application for grant of street amenity consent in respect of;

**117 - 121 High Street  
Bromsgrove  
Worcestershire  
B61 8AA**

A copy of the application and relevant plan is attached at **Appendix 1**

## 2 BACKGROUND

- 2.1 On 19<sup>th</sup> February 2020 an application was received from Amber Taverns Ltd for street amenity consent to place tables and chairs in the highway at The Old Post Office, 117-121 High Street Bromsgrove B61 8AA.
- 2.2 The applicant is applying to place 7 tables and 28 chairs in the High Street, immediately in front of the premises, Monday to Sunday 0900-21:30 hours.
- 2.3 The application contained all the requisite documentation including the fee and a plan outlining the proposed position of the tables and chairs to be placed in the highway in front of the premises.
- 2.4 The application was circulated to the various responsible authorities as detailed in the council's street amenity policy, and nearby businesses to the proposed location were also notified of the application.
- 2.5 Members should be advised the application was not referred to the sub committee in March as licensed premises were closed for lockdown, at the time when arrangements were made to arrange a sub committee to determine the application.

## 3. REPRESENTATIONS

- 3.1 No representations have been received from any of the responsible authorities.
- 3.1 One representation has been received from a nearby business and is attached at **Appendix 2**. Concerns are raised relating to the potential for disruption of customer flow, noise and odour issues, anti social behaviour and the obstruction of view of the shop front.

## 4. LOCAL POLICY CONSIDERATIONS

- 4.1 The Sub-Committee should have regard to the Council's Street Amenity Policy, which is attached as **Appendix 3**
- 4.2 The Street Amenity 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 part 7A of the Highways Act 1980.
- 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 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 Highways Act 1980 does not provide any direct right of appeal against a decision to refuse a street trading consent application. Therefore an applicant aggrieved by a decision to refuse a street amenity 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 Amber Taverns Ltd.