

BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

TUESDAY 8TH DECEMBER 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 – Representation from Parish Council Appendix 3 – Representation from residential neighbour Appendix 4 – 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:

The Car Park at:
Bromsgrove Rugby Football Club
Finstall Road
Bromsgrove
Worcestershire
B60 3DH

A copy of the application, picture of trading unit and location is attached at **Appendix 1.**

2. BACKGROUND

- 2.1 On 2nd October 2020 a completed application was received from Mr Ian Prust to sell hot, freshly cooked pizza from a van and covered canopy located on a privately owned car park at Bromsgrove Rugby Football Club, Finstall Road, Bromsgrove B60 3DH.
- 2.2 The proposed trading hours are each Friday 4pm to 8pm.
- 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 In line with the Council's Street Trading Policy, 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.

3. REPRESENTATIONS

Responsible Authorities

- 3.1 One representation has been received from Finstall Parish Council and is attached at **Appendix 2**.

Other Persons – Residents close to the proposed site

- 3.2 One representation has been received from residents and property owners adjacent to the proposed trading site. The representation have been attached at **Appendix 3**

4. LOCAL POLICY CONSIDERATIONS

- 4.1 The Sub-Committee should have regard to the Council's Street Trading Policy, which is attached as **Appendix 4**.

- 4.2 Members should have particular regard to the key considerations set out at section 3.7 of the Policy.

5. LEGAL IMPLICATIONS

- 5.1 The Sub-Committee is obliged to determine this application in accordance with the Local Government (Miscellaneous Provisions) Act 1982. This states that upon receipt of an application for the grant of a street trading consent, the Council may grant a consent if they think fit.
- 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 (3) of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 states that a council may require that applications for the grant or renewal of licences or consents shall be accompanied by so much of the fee as the council may require, by way of a deposit to be repaid by the council to the applicant if the application is refused.
- 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 Ian Prust.