

BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

10TH AUGUST 2021

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:	Stoke Prior
Appendices:	Appendix 1 – Application Form, photograph's and location map Appendix 2 – Representations from residential 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:

The Car Park at
Parade of Shops
Ryefields Road
Stoke Prior
B60 4ND

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

2. BACKGROUND

- 2.1 On 4th June 2021 an application was received from Mr Manmandir Singh Samra to sell fish and chips from a trailer parked adjacent the parade of shops in Ryefields Road, Stoke Prior B60 4ND
- 2.2 The proposed trading hours are each Wednesday 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 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 No objections or representations were received from responsible authorities.

Other Persons – Residents close to the proposed site

3.2 Two representation has been received from residents and property owners adjacent to the proposed trading site. The representations have been 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

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 Manmandir Singh Samra.