

**BROMSGROVE DISTRICT COUNCIL**

**LICENSING SUB-COMMITTEE**

**10<sup>TH</sup> OCTOBER 2023 AT 11AM**

**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>Romsley</b>
<b>Appendices:</b>	<b>Appendix 1 – Application Form, photograph's and location map</b>  <b>Appendix 2– Objection from Parish Council</b>  <b>Appendix 3 – Objection from Councillor May</b>  <b>Appendix 4 – Objection from 2 residential Neighbours</b>  <b>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:

Layby On B4551, Bromsgrove Road, Romsley, Worcestershire, B62 0HH

A copy of the application, with photographs and location map is attached at **Appendix 1**.

## **2. BACKGROUND**

- 2.1 On 23<sup>rd</sup> August 2023 an application was received from Mr Stephen Coley to sell hot and cold food and none alcoholic drinks from a re purposed horse trailer located at the layby on B4551, Bromsgrove Road, Romsley B62 0HH.
- 2.2 The proposed trading hours are Monday to Wednesday, 08.00am to 14.00 hrs. Thursday and Friday 08.00am to 16.00pm, Saturday and Sunday 08.00 am to 14.00 pm.
- 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 consultees set out at paragraph 3.3.1 in the Council's Street Trading Policy.

## **3. REPRESENTATIONS**

A representation has been received from the Parish Council attached at **Appendix 2**

A representation has been received from the Ward Councillor, attached at **Appendix 3**

Two representations have been received from neighbouring residential premises, 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)
- 4.3 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.
- 4.4 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 desirable with a view to meeting the objectives of the Street Trading Policy:-
- (a) grant consent to the applicant as applied for;
  - (b) grant consent to the applicant subject to modifications to any of the following matters:
    - (i) the days on which trading can take place;
    - (ii) the times during which trading can take place;
    - (iii) the location(s) where trading can take place;
    - (iv) the articles that can be traded;
    - (v) the conditions attached to the Consent;
    - (vi) the duration of the Consent.
  - (c) refuse to grant Consent.
- 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 Coley.