

[REDACTED]  
Tanworth-in-Arden  
Solihull  
[REDACTED]

16<sup>th</sup> June 2010

Tom Phelan  
Licensing Officer  
Planning and Environmental Services  
Planning Administration  
The Council House  
Burcot Lane  
Bromsgrove  
Worcestershire  
B60 1AA



Dear Mr Phelan

**Objection – Application for Street Trading Consent  
David Alcock, Broad Lane, Branson's Cross**

Firstly may I thank you on behalf of the local community for your communication to-date and affording us the opportunity to lodge our objections – it means a lot to us all as many residents in Blind Lane and Broad Lane and the wider community continue to object to the unregulated burger van in the slip road off the A435 towards Broad Lane. As Chair of the Residents Action Group established in opposition, I first registered our objection in October 2008 (see copy of email to Councillor Atkinson).

In recent communications with yourself, I asked that you make direct contact with Mike Walton from Warwickshire Highways who has communicated his objection to the signage and refers to West Mercia Police also objecting (refer to attached email). I trust that you have, as requested, contacted them and afforded them the opportunity to object to the application made.

The issues tabled then have worsened and indeed, as I type at 2100hrs 16/6/10, there are 3 HGVs, nose to tail, parked up for an overnight stay. I can categorically state that this slip road was not used for HGV parking prior to the arrival of the street vendor in October 2008. The trader has completely changed the landscape of the local community by advertising the slip road as suitable for HGVs. Your records will show that the road has been resurfaced in that time due to significant deterioration attributed to the HGVs. If you conduct a site visit today, you will see road signage on the bend at Broad Lane damaged. Another sign was knocked over and flattened last year and both incidents are attributed to HGVs negotiating the bend.

Associated with such activity is the placement of the permanent portaloos on the highway and the inappropriate signage posted along the A435 advertising the slip road as suitable for HGV parking. The slip road and kerbing has deteriorated and we have petitioned for a long time to have the vendor properly licensed and moved to a more suitable location. Having been notified that Bromsgrove District Council is currently reviewing all street traders, the local community wish to voice their concerns. I too wish to formally voice my objection as I have championed community policing and wish to convey to you in the strongest terms the strength of feeling and opposition from the day the trader arrived.

I attach a very very small snapshot of the communications tabled on behalf of local residents. We are delighted to have been consulted in the application process and I plead you to seriously consider the strength of local feeling and the effect this has had on the locals for 20 months now. We have campaigned tirelessly and been met by a brick wall at every turn, compounded by the lack of ownership and accountability by the relevant authorities/agencies.

This is our one chance to have a say on the local environment. I am a Senior Police Officer in a large neighbouring Police Service whose vision is to respond to the needs of our customer and champion neighbourhood policing. As a resident affected personally by the trader, I refer to the criteria set by which to object and am prepared to provide personal testimony if required. The most notable objections are as follows:

4.1 (c) - **The avoidance of public nuisance** - *does the street trading activity represent, or is it likely to represent, a substantial risk of nuisance to the public from noise, smell, litter or late night disturbance?*

**Response:** the litter is often very noticeable, the portaloo has been knocked over on many, many occasions during the night, the smell from the portaloo is disgusting and almost without exception HGVs are parking overnight because he advertises the slip road as suitable for HGV parking. In the mornings the slip road is utilised by many, many parents parking to drop their children off for the school coaches. The abundance of HGVs is a disaster waiting to happen. The noise and emissions are not welcomed either. I attach a photograph of HGVs parked up for May bank holiday weekend. This is now a daily occurrence due to the trader advertising the location.

4.1 (d) - **Needs of the area** - *are there enough other trading outlets to serve the needs of the area? A Street Trading Consent will not be granted where it is considered that there is already enough traders trading in the vicinity (from shops or other stalls) in goods which the applicant wishes to trade, or if there is an existing concentration of street traders in the street in which the applicant wishes to trade.*

**Response:** - there is a 24 hr garage facility directly opposite and there is a 2nd identical street trader on the opposite side of the carriageway. Some residents believe the one on the opposite side of the carriageway is owned by the same vendor but this cannot be confirmed. It is easy to access the one on the opposite side of the carriageway, there is ample parking and there is no impact on local residents. There can be no justification for the trader in the slip road towards Broad Lane. The Rose and Crown Public House, situated on the A435 is exactly 1.2 miles from the trader referred to in this objection. The pub opens at 0530hrs for breakfast to accommodate the haulage business. There is ample parking on site and parking bays on either side of the dual carriageway to accommodate HGVs. The trader is not utilised by the local community.

#### **4.2 Other criteria:**

*The trader will be expected to provide a service which is a benefit to the public and which enhances the area by bringing in new products or adding to the vitality of the area.*

**Response: In no way does this trader add value to the local community - our lives have been blighted by the constant stream of HGVs and litter. The service is not being provided to locals and there is significant objection.**

*The trading unit, including any associated equipment must be of good quality and complimentary to the character of the area.*

**Response: The amateur signage is unprofessional, stuck to trees on the highway and is not conducive to the local community. The permanent placement**

**of a blue portaloo on the highway cannot in any way be considered complimentary to the area (despite the views of Mr Goundry). It is totally out of place, attracts a stream of vehicles seeking to utilise the facility and an eyesore. Never have I, nor any of the residents spoken to, ever seen this portaloo being cleaned and it must be noted that there are no washing facilities. I have, however, seen the trader throw his slops onto the highway regularly and local residents have witnessed this also. The trading unit has a large black board advertising "SNAX" and the unit has flags waving to attract custom. Plastic tables and chairs are often placed on the highway for the comfort of customers. In summary, such a trader is totally out of character for the area and residents are willing to provide such a testimony. I have today been informed that in recent days, he appears to have added to his amateur signage along the A435 which adds insult to injury given he knows there is strong local objection.**

The above strongly evidences the unsuitability of the application for street trading consent/licensing for this trader. Please help us police the local community. We photocopied the letter, the criteria and gave up a whole weekend as a small group to knock all the doors of those affected and invite them to voice their concerns. We have done everything we can, by the book and rely on your sound judgement in this matter.

The trader is not local, is licensing by Birmingham, has impacted significantly on the local community and as a resident of Blind Lane near to the junction with Broad Lane, I plead with you to listen to our concerns and refuse the application.

Attached is a small sample of our efforts to-date, including communications with Local and County Councillors, Dr George Lord, the Parish Council, Highways (both Warwickshire and Worcestershire and a sample photo referred to above.

I am happy to act as the single point of contact for the community and will attend and give evidence of the above if required. We genuinely have our fingers crossed for the 21<sup>st</sup> June. It would make a real difference locally to our quality of lives if you relocated this vendor and declined his application.

As Chair of the group, can I please ask that I am contacted on 01 [REDACTED] with the decision so that I can communicate it to local residents.

Thank you

[REDACTED]

## Protecting our Community – Our only chance!

Dear Neighbour

A small group in Blind Lane have been working tirelessly to remove the unregulated street trader from the slip road off the A435 towards Broad Lane. We have campaigned for 2 yrs to have this vendor removed. During that time we have opposed the signage along the A435, the portaloos on the highway and the parking of HGVs (many overnight). We only have this one opportunity to oppose the re-license. Please support us by referring to the criteria referred to at 4.1 and 4.2 and submit an objection **in writing by 21<sup>st</sup> June** (see attached for address). Please take 10 minutes to support us!

Blind Lane Residents Action Group. Our email address is [REDACTED]

Dear Sir or Madam,

### Application for a Street Trading Consent Bromsgrove District Council

A Street Trading Consent Policy was adopted on 20<sup>th</sup> January 2010, a copy of which can be viewed on Bromsgrove District Council web site.

This has been adopted in order to regulate this type of activity, to ensure equitability for all traders and to improve service provision.

The policy states that the owners/occupiers of any properties near to the proposed location of the trading site must be consulted and may make a representation.

I attach details of such an application.

The criteria used when determining any application is outlined in section 4 of the policy and will need to be considered when making any representation.

The determination period is 28 days upon receipt of the application.

Should representations be made the matter will be heard by the Licensing Sub Committee for a decision.

Yours sincerely,

[REDACTED]  
John-Davies Tomphelton  
Licensing Assistant  
Planning and Environment Services



**Bromsgrove  
District Council**

[www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk)

An application has been submitted to  
**Bromsgrove District Council**  
as the LICENSING AUTHORITY as follows:-

Type of Application: Street Trading Consent
To Trade between the hours of: Monday to Saturday – 07:00 – 15:00
Name of Applicant: David Alcock
Premises: Ants Snacks
Address of Premises: Broad Lane, Branson's Cross

Any person wishing to lodge a representation concerning this application may send this, in writing, to Bromsgrove District Council, Burcot Lane, Worcesterchire, B60 1AA. The application may be viewed at Licensing Surgeries at Bromsgrove Service Centre between:

Tuesday	01:30 – 02:30
Wednesday	09:30 – 10:30
Friday	09:30 – 10:30

Any such representation must be received by the Licensing Authority by the following date: 21<sup>st</sup> June 2010

#### 4. Criteria for Street Trading Consents

4.1 In determining an application for a Street Trading Consent, the Council will consider the following factors:

- (a) **Public Safety** – does the location of the proposed trading site represent or is it likely to represent, a substantial risk to the public and users of the highway? The Council will consider things like important sight lines for CCTV cameras, requirements of emergency vehicles, fire hazards, hygiene and the safety of access to or from the trading site.
- (b) **Public Order** – does the street trading activity represent, or is it likely to represent, a substantial risk to public order?
- (c) **The avoidance of public nuisance** – does the street trading activity represent, or is it likely to represent, a substantial risk of nuisance to the public from noise, smell, litter or late night disturbance?
- (d) **Needs of the area** – are there enough other trading outlets to serve the needs of the area? A Street Trading Consent will not be granted where it is considered that there are already enough traders trading in the vicinity (from shops or other stalls) in goods in which the applicant wishes to trade, or if there is an existing concentration of street traders in the street in which the applicant wishes to trade.
- (e) **Consultation** - relevant responses from consultees.

4.2 In addition the Council will consider the following general criteria:

- The trader will be expected to provide a service which is a benefit to the public and which enhances the area by bringing in new products or adding to the vitality of the area;
- The Trading Unit, including any associated equipment must be of good quality and complimentary to the character of the area;
- Each application will be judged on the general needs of the locality; a Street Trading Consent will not normally be granted where there is already adequate similar provision in the immediate area;
- The effect on road safety caused by the siting of the Street Trading Unit or by customers visiting or leaving the Street Trading Unit;
- The effect of any loss of amenity caused by noise, traffic or smell;
- Any existing Traffic Regulation Orders e.g. waiting restrictions; and
- Any potential obstruction of pedestrian or vehicular access.



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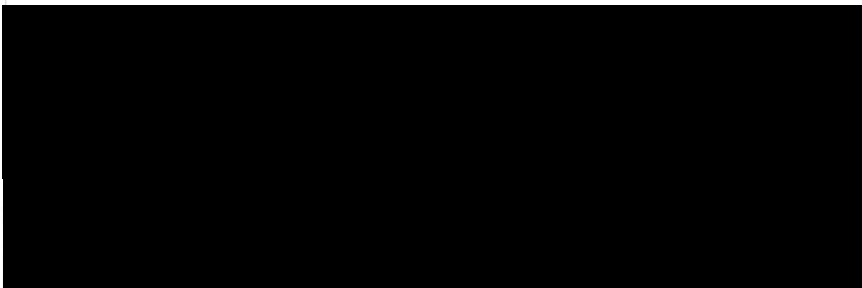
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## Trading on the highway on the slip road from the A456 to Ullenhall Lane



Hello Sharon,

Your recent email to Dr Lord, Leader of Worcestershire County Council, has been passed to me to investigate and provide a response.

As you are aware we are trying to get the trader in question removed from the slip road by way of the new re-licensing procedure now being implemented by Bromsgrove District Council. John Davies of Bromsgrove DC was heading up the re-licensing task but I have been informed he leaves the Authority on the 14<sup>th</sup> May and this task has now been passed to Tom Phelan, Licensing Officer at Redditch Borough Council, Tele No 01527 [REDACTED]. I have recently emailed Tom for an update as to what is happening and an indication of when the trader could be moved subject to Bromsgrove's Licensing Committee agreeing to this action. To date I am waiting for a reply.

On a separate but related matter, I recently visited the slip road in the company of a Traffic Management Officer from West Mercia Police to see at first hand the traffic and highway maintenance problems caused by the trading activity at this site. I can confirm we both agreed that if and when our respective Authorities are consulted as part of Bromsgrove's re-licensing procedure then we would object to the granting of a license to trade on the highway.

I will contact you further when I have received information Bromsgrove/Redditch District Council.

Kind regards,

Mike Walton ( County Highways Liaison Engineer, Bromsgrove )

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Toilet on Main highway

From: Dave White [redacted]

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Sent: 05 May 2010 10:14:47

To: [redacted].gov.uk

WITHOUT PREJUDICE

Dear Mr. Goundry

I would like to point out that I believe it is illegal to position a portable Toilet permanently on the side of the main highway without planning permissions. I also understand that your council would be held responsible for effluent leakages into water courses from such a facility and any other health and safety issues arising. Why have you allowed this in the slip road off the A453 at Branson's Cross for the past 12 months?

I would appreciate your attention to the matter and your feedback after your investigation?

Thank you.

Kind Regards,

[redacted]

[redacted]

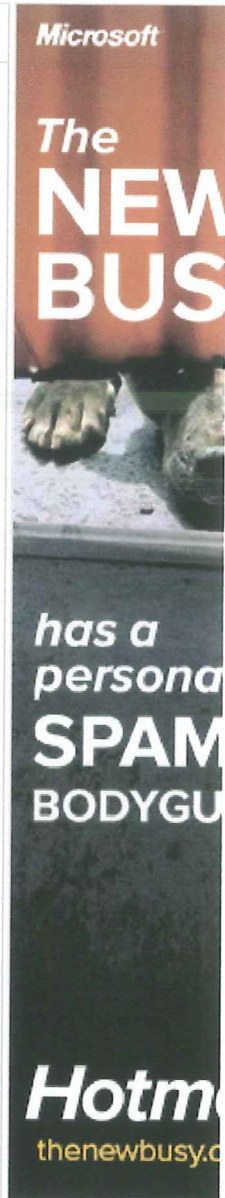
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## RE: FOI 2838637 cost of road re-surface for the sliproad off the A435

From: [REDACTED]

Sent: 20 January 2010 22:23:18

To: [REDACTED]  
Cc: [REDACTED]

Thank you for the response however, whilst I understand the priviledge argument, residents will contest that the deterioration of the road surface was not contributed to by the HGVs using the burger van. Many many local residents, including myself, use that sliproad on a daily basis and we know with certainty that the road got worse in the preceding 12 months. We can provide photographic evidence. Can you please provide information relating to the reasons and schedule of the resurface as it is an almightly co-incident that we fight to get an inspection and plead with Worcestershire Council to conduct a site visit and then the road be resurfaced.

What is frustrating is that the Local Authority will not acknowledge that the continued use of the sliproad by HGVs will further drain the public purse and undermine your efforts to-date.

Regards

[REDACTED]

Subject: FOI 2838637 cost of road re-surface  
Date: Wed, 20 Jan 2010 12:53:54 +0000

[REDACTED]

**ENVIRONMENTAL INFORMATION REGULATIONS 2004-  
INFORMATION REQUEST CONCERNING *cost of road re-surface.***

Microsoft

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## Mobile food van - Help please

From: [REDACTED]

Sent: [REDACTED]

To: [REDACTED]

Cc: [REDACTED]

[REDACTED]

On behalf of the residents action group for Blind Lane and Broad Lane, can you please make representation to both Warwickshire County Council and Highways Dept at Bromsgrove District Council about a mobile food van and the associated issues outlined below:

The mobile food van is parked on the grass embankment on the slip road off the A435 (towards Redditch) on the approach to Broad Lane, Tanworth In Arden. We first reported the matter on 15th October and were given a service request number of 2052932. We lodged a complaint about the van being parked on the embankment and the permanent lodging of a portaloos in the hedgerow. There have been a number of incidents reported and we are unable to get any action or satisfactory response. The food van is on the grassland belonging and the issue is complicated by the ownership between Warwickshire County Council and Bromsgrove District Council.

I believe this to be the same foodseller that was in Alderhanger Lane. It is wholly unacceptable that a food van is unregulated and just pitches up at the side of the road (now on the grassland belonging to Bromsgrove). The portaloos is an absolute eyesore and given that the sliproad has now turned into an overnight truck stop, we are desperate for your help. You fought tirelessly for us over the Alderhanger Lane issue and if we are not careful, it will be back with us on that sliproad as there is a little unoccupied field that would service such activity.

We have asked that the Council enforce against the placing of the portaloos and stop the food van (towed by a 4x4) from reversing onto the grassland. The owner has resorted to flags waving from the food van and on a number of occasions, flowersellers have pitched up with deckchairs selling flowers from the boot of the car.

The seller has clearly been advised about advertising hoarding and advertises on the A435: (one sign by the bridge after the Portway turnoff and another nailed to the tree by the scrapyards on the opposite carriageway. We ask that these signs are removed by highways.

We ask that the Council conduct a site visit and deal with this matter. They keep saying it is a police matter but there is no obstruction and no permanent damage so there is no police jurisdiction. Even if there were permanent damage, they would still