

Cheltenham Borough Council

Licensing Committee – 4 December 2019

Local Government (Miscellaneous Provisions) Act 1982

Revocation of Street Trading Consent

Mr Ahmed Mohamed (19/00818/STA)

Report of the Licensing Team Leader

1. Summary and recommendation

- 1.1 On 3 April 2019 the Miscellaneous Licensing Sub-committee approved a street trading consent for Mr Ahmed Mohamed to trade from High Street 7 on Cambray Place.
- 1.2 Mr Mohamed has never taken up trading from the location since the grant of the consent.
- 1.3 Furthermore, Mr Mohamed has failed to keep up to date with his trading fees which remain outstanding. The consent was consequently suspended by the Licensing Team Leader on 6 November 2019.
- 1.4 Licensing officers have made numerous attempts to contact Mr Mohamed. However, he has been non-responsive.
- 1.5 The Licensing Team Leader wrote to Mr Mohamed on 18 November advising him that unless he makes contact with the licensing section by Friday 22 November a report will be submitted to the Licensing Committee recommending revocation of the consent. A copy of correspondence is attached at **Appendix 1**.

1.6 The Committee is recommended to:

1.6.1 Revoke the street trading consent issued to Mr Ahmed Mohamed.

1.7 Implications

Legal	There is no right of appeal against the revocation of a street trading consent.
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2. Power to revoke

- 2.1 Schedule 4, paragraph 7(10) of the Local Government (Miscellaneous Provisions) Act 1982 gives the authority the power to revoke a consent at any time.
- 2.2 The legislative provisions set out under schedule 4 above merely states that “A street trading consent may be granted for any period not exceeding 12 months **but may be revoked at any time.**”

- 2.3 The legislation is not in any way prescriptive as to the grounds for a decision to revoke a consent. It is therefore open to the Licensing Committee to consider the circumstances of this case and decide whether this justifies a revocation.

3. Delegation

- 3.1 Part 3C of the authority's constitution delegates the authority to revoke street trading consents to the Licensing Committee.

4. Conditions of consent

- 4.1 The council's adopted street trading policy considers the following relevant as to the suitability of a consent holder to hold a consent:

1. there have been no significant complaints or enforcement issues;
2. **all fees have been paid on time; and**
3. there has been no significant change to the retail environment in the vicinity of the trading location.

- 4.2 Whilst this is in the context of renewals, the same fitness principles are relevant.

- 4.3 Furthermore, the consent is issued subject to the following condition:

The Council may revoke or suspend this Consent at any time in the event of:

1. **The breach by the Consent Holder, their servants or agents (included Nominated Assistants) of any of the conditions herein or any supplemental/additional conditions imposed by the Council;** or
2. Work being carried out in, under or over the highway on which the Unit is located; or
3. A change in Council Policy which necessitates termination of this Consent; or
4. Circumstances outside the Council's control which necessitate termination of this Consent forthwith.

Background Papers

Service Records

Case Officer

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