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.

Contact officer: One Legal
E-mail: legalservices@tewkesbury.gov.uk
Tel no: 01684 272015

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.

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<tr>
<th>Background Papers</th>
<th>Service Records</th>
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<tr>
<td><strong>Case Officer</strong></td>
<td>Contact officer: Mr Louis Krog</td>
</tr>
<tr>
<td>E-mail: <a href="mailto:licensing@cheltenham.gov.uk">licensing@cheltenham.gov.uk</a></td>
<td>Tel no: 01242 262626</td>
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