

BIRMINGHAM CITY COUNCIL

STREET TRADING

DISCIPLINARY PROCESS

All Street Trading Consent Holders must comply with the Conditions attached to their Street Trading Consent.

Should a Consent Holder breach the conditions, the following process will be applied.

FIRST OFFENCE

The Consent Holder will be verbally warned on site by an “Authorised Officer” and a formal verbal warning will be issued in writing and placed on the traders file.

SECOND OFFENCE

Should the Consent Holder commit a further breach of the conditions within **six months** of the second offence, a formal written warning will be issued and placed on the traders file.

THIRD OFFENCE

Should a Consent Holder commit a further breach within **twelve months** of the third offence, the Consent Holder will be asked for a written submission relating to the breaches. A senior authorised officer will review the consent with a potential outcome being revocation.

In addition, should a consent holder commit a significant breach of the conditions so as to be considered as serious misconduct or such as to impact significantly on the following:

- **Public Safety**
- **Prevention of crime and disorder**
- **Prevention of public nuisance**

Then immediate suspension of the consent will occur which will trigger a review of the consent by a senior officer with a potential outcome being revocation. Written submissions for both the Street Trading Team and the consent holder will be sought prior to a decision being made.

Where circumstances change or there are serious concerns regarding a consent, officers will compile a report for consideration by a senior officer. A copy of this report will be provided to the consent holder in advance of its consideration in order that they are able to provide any explanation or justification to support their position within a reasonable time.(14 days) The matter will be determined after the 14 days

whether a response has been received or not. The senior officer will consider all evidence and make the decision whether to revoke the consent.

Where a consent is revoked the Council will advise the applicant verbally and confirm the reasons for this in writing within 10 working days.

Appeal against revocation

There is no statutory right of appeal against a decision to revoke a consent however an appeal may be made to the Head of Licensing within 5 working days of the written revocation. A panel of two independent senior officers will review the decision to revoke the consent. After considering the original evidence (new evidence or material will not be permitted) the panel will make a decision in writing on whether to uphold the appeal (with or without conditions) or not to uphold the appeal.

The appeal process is:

- Senior officer will write to the trader informing him/her that the consent is revoked and give details for this outcome and how to appeal.
- Panel of two senior officers of Birmingham City Council (not connected with making any decision to revoke the consent)
- Panel to consider original report from the Street Trading Team, original evidence submitted by the trader, and the revocation letter from the senior officer.
- Panel to defer decision making if further evidence required from officers or trader
- Panel to determine whether the appeal is upheld or not
- Panel to write to trader detailing final decision.