

BIRMINGHAM CITY COUNCIL
MARKETS SERVICE

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 with a view to a review of the consent by a senior authorised 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 that leads the Street Trading Team to consider that a consent should be revoked they will write to the trader to inform them of this proposed course of action and the reasons why. They will give 14 days for the trader to provide written evidence why this revocation should not occur. A senior

authorised officer will then 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 an officer's decision to revoke a consent however an appeal may be made to the Head of Licensing within 5 working days of the written revocation. The Head of Licensing and two other senior authorised officers will consider the appeal. Details on how to appeal will be given to applicants when a decision to revoke the consent has been made.