

Licensing Sub Committee 4 -16th December 2014

Report of the Director of Corporate Resources

Midland Super Cream

Purpose of Report

1. To consider the application made by Mr. Fillippo Calleia for the renewal of the consent issued to Midlands Super Cream to engage in street trading in Stourbridge Town Centre.

Background

2. Midlands Super Cream have held street trader's consents to Engage in Street Trading in Dudley Town Centre (High Street, outside Shipley's/Max Speilman) and Stourbridge Town Centre (Outside old Yorkshire Bank building opposite Clock) for many years, selling Ice Cream Monday – Saturday inc between the hours of 9.00 a.m. and 5.30 p.m..
3. On the 28th July 2014, Mr Fillippo Calleia made application for the renewal of the consents to engage in street trading in Stourbridge and Dudley Town Centre issued to Midland Super Cream.
4. Both applications were circulated to all relevant Authorities, and interested parties.
5. Prior to the receipt of the application for renewal of the site in Stourbridge a letter of objection was received from AMG Pharmacies, a copy of that Letter has been circulated to Committee Members, and the Applicant.
6. Mr Calleia's application in respect of Dudley Town Centre has been held in abeyance due to the current redevelopment works in the Town Centre.
7. This application falls within the Council's responsibilities for licensing which has a direct link to the Council's key corporate priority that safety matters.

Finance

8. There are no financial implications.

Law

9. The grant of consents to engage in street trading is governed by Part III of Schedule IV to the Local Government (Miscellaneous Provisions) Act 1982. To trade without such a consent is an offence.
10. Paragraph 7(2) of Schedule IV of the 1982 Act, states that the Council may grant a consent if it thinks fit and, when granting or renewing a consent, the Council may attach such conditions as it considers necessary.
11. Paragraph 10 of Schedule IV of the 1982 Act, states that a street trading consent may be granted for one period not exceeding 12 months but may be revoked at any time.
12. Where the consent allows the holder to trade from a cart, barrow, or other vehicle, then the consent must specify the location from which the trader may trade and the times between which or periods for which he may trade.
13. There is no right of appeal against the Council's decision to vary a condition upon which a consent is issued, or refusal to grant or renew a street trader's consent.

Equality Impact

14. The report takes account of the Council's policy on equal opportunities.
15. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

16. That the Committee consider the applications in respect of Midland Super Cream for the site in Stourbridge Town Centre.



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DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Mrs. E Rouse 5377
Telephone: 01384 815377
Email: liz.rouse@dudley.gov.uk

List of Background Papers