

**Licensing Sub-Committee 1 – 14<sup>th</sup> November, 2006**

**Report of the Director of Law and Property**

**Consent to Engage in Street Trading**

**Purpose of Report**

1. To consider the application on behalf of Mr David George Morrison for the renewal of his Consent to Engage in Street Trading in Dudley Town Centre.

**Background**

2. On the 11<sup>th</sup> October 2004, Mr David George Morrison made an application for the Grant of a Consent to Engage in Street Trading in Dudley Town Centre to sell hot doughnuts and hot and cold drinks, Monday to Saturday inclusive between the hours of 9.00am and 5.30pm.
3. This application was circulated to The West Midlands Police, Democratic Services, The Directorate of the Urban Environment and The Town Centre Manager.
4. The Directorate of the Urban Environment (Environmental Health) and the Democratic Services Department made comments, which were brought to the attention of the Committee.
5. Objections were made by Julie Jones, Commercial Operations Manager, George Whitehouse, Town Centre Manager and the Directorate of the Urban Environment (Engineers Department), these were also brought to the attention of the Committee.
6. None of the other agencies raised objections.
7. The matter was considered by the Committee on the 11<sup>th</sup> January 2005. The matter was deferred to allow for more detailed information to be submitted.

8. The matter was again considered by the Committee on the 22<sup>nd</sup> February 2005, when it was resolved that the matter be deferred to the next hearing and that a site visit be carried out.
9. Following the site visit it was resolved that the consent be issued for a site opposite the Halifax Building Society, High Street Dudley.
10. On the 17<sup>th</sup> August, 2006, Mr David Morrison made application for renewal of consent to Engage in Street Trading.
11. This application was circulated to the West Midlands Police, Julie Jones Commercial Operations Manager, the Directorate of Urban Environment and the Town Centre Manager, a copy of that application is attached to this report as Appendix 1.
12. The Directorate of the Urban Environment (Environmental Health) made comments, which are attached to this report as Appendix 2.
14. Comments have also been received from Julie Jones, Commercial Operations Manager, Corporate Estate Services Division, and are attached to this report as Appendix 3.
15. None of the other agencies raised objections.
16. This report has a direct link to the Council priority for safety as the principal reason for submission is safeguarding the public.

## **Finance**

17. There are no financial implications.

## **Law**

18. 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. High Street/Dudley is a consent streets designated as such by resolution of the Council. To trade without such consent is an offence.
19. 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.
20. 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.

21. 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 trade may trade and the times between which or periods for which he may trade.
22. 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**

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

### **Recommendation**

25. That the Committee determine Mr Morrison's application for the renewal of his consent to engage in Street Trading.

John Poyce

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DIRECTOR OF LAW AND PROPERTY

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### **List of Background Papers**

26. Application form.