

Licensing Sub-Committee - 9th May 2006

Report of the Director of Law and Property

Street Trading Consent

Purpose of Report

1. To consider the application made by Mr F A Smith to renew/vary his street trading consent to sell hot dogs, burgers, fries, hot and cold drinks and ice cream in Stourbridge Town Centre.

Background

2. Mr F A Smith has held a street trader's consent for a number of years, which has subsequently been renewed with the last licence expiring on the 10th June 2005.
3. This consent enables Mr Smith to sell hot dogs, burgers, fries, hot and cold drinks and ice cream from sites in Dudley and Stourbridge Town Centres.
4. On 9th June 2000, Mr Smith made application to renew his consent.
5. The application was circulated to the then Environment, Engineering and Transportation Department, Planning and Leisure Department and Support Services. There were no objections to this application.
6. On the 13th June 2000, a letter of complaint was received from Bernard Neville and Company, which was brought to the attention of the Committee.
7. This application was considered by the then Policy (Licensing) Sub-Committee on the 5th December 2000. The Sub-Committee resolved that the application be granted, that licence has subsequently been renewed and bears the expiry date of the 10th June 2005.
8. On the 11th March 2005, Mr Smith made application for the variation of his street trading permit in Stourbridge Town Centre to allow him to trade until 3.00am. A copy of that letter is attached as Appendix 1 to this report.
9. That application was circulated to the West Midlands Police, Director of the Urban Environment and the Town Centre Manager. The West Midlands Police made objections to the application, a copy of the report is attached as Appendix 2. None of the other agencies raised objections.

10. On the 1st June 2005, Mr Smith made application for the renewal of his street traders permits. These applications were circulated as in paragraph 9 above. None of the agencies raised objections.
11. Various letters of objection have been received from local traders in the Stourbridge area and are attached to this report as Appendix 3.
12. This application falls within the Council's responsibility for licensing as a direct link to the Council's key corporate priority that safety matters.
13. This matter was due to be considered by the Committee on the 19th December 2005. This matter was however deferred pending a meeting between Mr Smith and the West Midlands Police on the 12th January 2006.
14. It was decided following the meeting on the 12th January 2006 that Mr Smith make application for a temporary street trading consent at an alternative site in High Street, Stourbridge, for a trial period to be set by the Committee. A copy of the Police report and Mr Smith's comments following this meeting are attached to this report as Appendix 4. Mr Smith also made application for a premises licence for that site which was granted on the 30th March 2006.
15. This application falls within the Council's responsibility for licensing which has a direct link to the Council's key corporate priority that safety matters.

Proposal

16. That the Sub-Committee consider Mr Smith's application for the renewal/variation of his street trading consent to sell hot dogs, burgers, fries, hot and cold drinks and ice cream in Stourbridge Town Centre.

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, Market Street, Birmingham Street, Dudley and Foster Street, Stourbridge are consent streets designated as such by a resolution of the Council. This means that street trading can take place only if the trader has a street trading consent issued by the Council. To trade without such a consent is an offence.
19. 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.
20. Paragraph 7(2) of Schedule IV to 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.

21. There is no right of appeal against the Council's decision to vary a condition upon which a consent is issued, or a refusal to grant or renew a street trader's consent.

Equality Impact

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

Recommendation

24. That the Sub-Committee determine Mr Smith's application.

John Poyce

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DIRECTOR OF LAW AND PROPERTY

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List of Background Papers

None