

Licensing Sub-Committee 2 – 24th November 2009

Report of the Interim Director of Law Property and Human Resources

Application for Consent to Engage in Street Trading

Mr John Pascal Somerville (High Street, Dudley)

Purpose of Report

1. To consider the application on behalf of Mr John Pascal Somerville, for the grant of a consent to engage in street trading at a site in High Street, Dudley.

Background

2. On 22nd October 2009, Mr Somerville made application for the grant of a Street Trader's Consent for a key cutting service in High Street, Dudley. A copy of the application, together with a site plan is attached to this report as Appendix 1.
3. The application was circulated to the West Midlands Police, Director of the Urban Environment, Dudley Town Centre Manager and Julie Jones, Commercial Operations Manager, Corporate Estates.
4. Alan Radford, Highways, Directorate of the Urban Environment, made comments, which are attached to this report as Appendix 2.
5. Peter Vangeersdaele, Traffic and Road Safety, Directorate of the Urban Environment made comments, which are attached as Appendix 3.
6. Andrea Jones, Town Centre Manager, Directorate of the Urban Environment fully supported the comments made by Peter Vangeersdaele as set out in Appendix 3.
7. Julie Jones, Commercial Operations Manager, Corporate Estates made comments which are attached to this report as Appendix 4.
8. None of the other agencies raised objections.
9. This report has a direct link to the Council's priority for safety as the principle reason for submission in safeguarding the public.

Finance

10. There are no financial implications.

Law

11. 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 street designated as such by a resolution of the Council. To trade without such a consent is an offence.
12. 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.
13. 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.
14. 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.
15. 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

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

Recommendations

18. That the Committee determine Mr Somerville's application for the grant of a street trading consent in High Street, Dudley.



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INTERIM DIRECTOR OF LAW PROPERTY AND HUMAN RESOURCES

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List of Background Papers