

Licensing Sub-Committee 4 – 13th March 2012

Report of the Director of Corporate Resources

Review of Street Trading Consent/Prohibited Sites

Chase Road, Gornal Wood, Dudley, DY3 2RL

South Road, Stourbridge, DY8 3RP

Purpose of Report

1. To consider the application on behalf of the Principal Bereavement Services Officer for the revision of the consent/prohibited streets in Dudley Borough to include Chase Road, Gornal Wood, Dudley and South Road, Stourbridge as consent streets in respect of Street Trading.

Background

2. For many years there have been flower sellers outside both the Crematoria at Gornal Wood and Stourbridge. This has been by agreement with Bereavement Services.
3. The agreements are due to conclude in March and May respectively and Bereavement Services have received several enquiries in relation to permissions to sell flowers at these locations.
4. In order to be fair to all Bereavement Services have decided to request formalisation of these pitches to allow street trading consents to be issued to the traders.
5. Accordingly on the 14th December 2011, Mr Ian Bailey, Principal Bereavement Services Officer made application for the revision of the consent/prohibited streets in the Dudley Borough. A copy of that request has been forwarded to the Committee Members and interested parties.
6. This application was circulated to the Directorate of the Urban Environment; (Highways Division), Democratic Services; Julie Jones, Commercial Operations Manager, Corporate Estates, and the West Midlands Police.
7. None of the agencies raised objections.

8. If the Licensing and Safety Sub-Committee are minded to grant this request it is the intention for Bereavement Services to draw up a criteria and advertise for interested parties to make application to the Council for a street trading consent to sell flowers outside the Crematoria.
9. The applicants will be required to make representations in relation to their application to a Licensing and Safety Sub-Committee who will determine the granting of the consent.
10. This matter was considered by the Licensing Sub-Committee on the 17th January 2012. The Committee resolved that the application to include Chase Road, Gornal Wood and South Road, Stourbridge, as consent streets for the purpose of street trading be approved in principal.
11. The Committee further resolved that the Licensing Officer publish a notice in a local newspaper setting out the proposed resolution and requesting that any objections be received within 28 days of the date of publication. A copy of that notice is attached to this report as Appendix 1 and was published in the Express and Star on the 20th January 2012.
12. A copy of that notice was also served on the West Midlands Police and the Director of the Urban Environment (Highways).
13. On the 25th January 2012, a letter of objection was received from a local resident and has been forwarded to the Committee Members, the applicant and interested parties.
14. This application has a direct link to the Council's key corporate priority that safety matters.

Finance

15. There are no financial implications.

Law

16. Under the Local Government (Miscellaneous Provisions) Act 1982, The Council may pass a resolution which will designate any street within their District as:-
 - (1) a prohibited street;
 - (2) a licence street; or
 - (3) a consent street,and for the purposes of street trading.
17. Before the Council pass this resolution they must:-

- (1) Publish a Notice containing a draft of their proposed resolution and invite the public to make written representations to the Council within 28 days of publication of the Notice.
 - (2) Serve a copy of the Notice on the Chief Officer of Police for the area in which the street to be designated is situated.
 - (3) Serve a copy of the Notice on the Directorate of the Urban Environment (Highways Division).
18. As soon as is practicable the Council must consider any representations received in response to the public Notice within the stated 28 days.
 19. After consideration of the representations the Council may pass a resolution.
 20. Once a resolution has been passed the Council must publish a Notice containing the resolution for two consecutive weeks in a local newspaper. The first publication of this Notice must allow 28 days before the date that the resolution is to come into force.
 21. The Council may stipulate that a Street Trading Consent will not be granted to any person who proposes to trade in the street for a number of days in every week less than the number specified in the resolution.
 22. Any resolution passed by the Council may be varied or rescinded by following the same procedure as outlined in paragraphs 16 to 21 in this report.

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 the application for the revision of street trading consent/prohibited streets within the borough of Dudley.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers