

**Licensing Sub-Committee 1 – 4<sup>th</sup> August 2009**

**Report of the Interim Director of Law Property and Human Resources**

**Variation of Street Traders Consent**

**Purpose of Report**

1. To consider the applications for variation of the Street Trading Consent issued to Mr H Jones to trade in Halesowen Town Centre.

**Background**

2. Mr Jones has held a Street Trading Consent in Halesowen Town Centre since 14th December 1986. The current consent is to sell hot dogs, burgers, hot snacks, candy floss and baked potatoes for the following days and times:-

Monday – Sunday 9.00am - 4.00pm

3. During the refurbishment of Halesowen Town Centre, the Committee considered all street trading consent sites and resolved on the 20th November that Mr Jones' permit be issued as follows:-

ARTICLES SOLD	POSITION	VEHICLE	DAYS & TIMES
Candy Floss, Toffee Apples and hot snacks (other than items sold by other street traders selling food)	Hagley St, Halesowen	Snax U Like Van 12ft x 7ft 9"	Monday – Saturday 9.00am – 9.00pm

4. On the 30th April 2004, Mr R Roberts (Site Manager) made application on behalf of Mr H Jones to vary the Street Trading site.
5. On 17th August 2004, Mr H Jones made application to renew his Street Trading Consent.
6. These applications were circulated to the Directorate of the Urban Environment (Planning Engineers and Environmental Health Departments) and the West Midlands Police. The Halesowen Town Centre Manager was also consulted.
7. No objections were raised by any of the above agencies.

8. This matter was considered by the Committee on the 13<sup>th</sup> December 2004. The Committee resolved that the renewal of the Street Traders consent be approved and that the application for variation of consent be deferred to allow the new Town Centre Manager and Ward Councillors to be consulted.
9. On the 20<sup>th</sup> December 2004, a report was received on behalf of the Halesowen Town Centre Manager.
10. A meeting of the Committee was convened for the 11<sup>th</sup> January 2005 to consider the application for variation of street traders consent. Ward Members were invited to attend and put forward their representations at that hearing.
11. On the 10<sup>th</sup> January 2005 Mr Jones withdrew his application for the variation of his street trading site and therefore the consent was issued on the original terms as previously granted.
12. On the 24<sup>th</sup> March 2005 Mr Jones again appeared before the Committee at the request of the Town Centre Manager who requested that Mr Jones be relocated on the 23<sup>rd</sup> April 2005 to accommodate the Saint Georges Day celebrations in Halesowen Town Centre.
13. On the 2<sup>nd</sup> September 2005 Mr Raymond Roberts, (Site Manager) made application on behalf of Mr Jones for the permanent relocation and siting of a new vehicle next to the flower stall in Halesowen Town Centre.
14. That application together with photographs of the new vehicle were circulated as in paragraph 6 above.
15. None of the agencies raised objections to the variation. The Town Centre Manager sent a letter of support.
16. On the 17<sup>th</sup> August 2005 Mr Jones made application for the renewal of his street traders consent.
17. That application was circulated as in paragraph 6 above. None of the agencies raised objections.
18. This matter was considered by the Licensing and Safety Sub Committee on the 19<sup>th</sup> December 2005. The Committee resolved that the application be granted. That licence has subsequently been renewed and varied to include the sale of baked potatoes and bears the expiry date of the 19<sup>th</sup> August 2009.
19. On the 29<sup>th</sup> April 2009 an application was received from Mr Roberts (Site Manager) for the variation of the street traders permit to include a table and 4 chairs at the side of the hot dog vehicle on Hagley Street, Halesowen. A copy of that application together with a site plan is attached to this report as Appendix 1.
20. That application was circulated as in paragraph 6 above.
21. Representations have been received from Stuart Perry the Town Centre Manager which are attached to this report as Appendix 2.

22. Representations have also been received from Alan Radford and Peter Vangeersdale of DUE and are attached to this report as Appendix 3.
23. Representations were also received from Ward Councillor's and are attached to this report as Appendix 4.
24. Complaints have also been received in respect of LSD Promotions (Farmers Market), which are currently being investigated by the Licensing Enforcement Team.
25. None of the other agencies raised objections.
26. This application falls within the Council's responsibility for licensing as a direct link to the Council's key corporate priority that safety matters.

### **Finance**

27. There are no financial implications.

### **Law**

28. 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.
29. 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.
30. 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.
31. 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.
32. 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**

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

## **Recommendation**

35. That the Committee consider the variation of the permit issued to Mr H Jones.

A handwritten signature in black ink, appearing to be 'P. J. Elliott', written in a cursive style.

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INTERIM DIRECTOR OF LAW PROPERTY AND HUMAN RESOURCES

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## **List of Background Papers**