

DUDLEY METROPOLITAN BOROUGH

LICENSING & SAFETY COMMITTEE

REPORT OF THE DIRECTOR OF LAW AND PROPERTY

APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING

PURPOSE

1. To consider the application made by Mr Matthew Jones for the grant of a consent to engage in street trading in Dudley Town Centre.

BACKGROUND

2. On the 22nd October 2003, Mr Jones made application for consent to engage in street trading in Dudley Town Centre to sell turkey and stuffing baps during the Christmas period.
3. This application was circulated to the West Midlands Police, Directorate of the Urban Environment and the Dudley Town Centre Manager.
4. Comments were received from Mr J Jablonski, Democratic Services, Mr G Whitehouse, Town Centre Manager, Alan Radford, Directorate of the Urban Environment, all comments were brought to the attention of the Committee.
5. The Committee resolved on the 5th December, 2003 that Mr Jones' consent be granted.
6. On the 20th February, 2004, a further application was received from Mr Jones for the grant of an Annual Street Traders Consent.
7. This application was circulated as in paragraph 3 of this report.
8. The Directorate of the Urban Environment made various comments which were brought to the attention of the Committee.
9. Mr G Whitehouse, Town Centre Manager, also made comments which were brought to the attention of the Committee. None of the other agencies raised objections.
10. Various letters of objection were also received from local Traders and were brought to the attention of the Committee.
11. This application was considered by the Committee on the 28th April 2004. The Committee resolved that the application be refused.

12. On the 6th October 2004 Mr Jones again made application for the grant of an occasional street trading consent to sell Turkey baps in High Street, Dudley in December 2004.
13. This application was circulated as in paragraph 3 above.
14. Julie Jones, Commercial Operations Manager made comments along with Alan Radford of the Directorate of the Urban Environment (Highways), Mrs Nellany (Food and Occupational Safety) and George Whitehouse, Town Centre Manager. These comments were brought to the attention of the Committee.
15. This matter was considered by the Committee on the 29th November 2004. The Committee resolved that the application be granted for the last three weeks in December.
16. On the 19th October 2005 Mr Jones again made application for the grant of a street traders consent to sell turkey baps in Dudley Town Centre, a copy of that application form is attached to this report as Appendix 1.
17. The application was circulated as in paragraph 3 above.
18. Julie Jones, Commercial Operations Manager raised objections to the application a copy of her report is attached as appendix 2.
19. Matthew Caddick, Town Centre Manager, also raised objections a copy of his report is attached as Appendix 3. None of the other agencies raised objections.

PROPOSAL

20. That the Committee consider Mr Jones' application for the grant of a street trading consent.

FINANCE

21. There are no financial implications.

LAW

22. 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. The sites as set out in Appendix 1 are consent street designated as such by a resolution of the Council. To trade without such a consent is an offence.
23. 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.

24. 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.
25. 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.
26. 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.

EQUAL OPPORTUNITIES

27. This report takes account of the Council's policy on equal opportunities.

RECOMMENDATION

28. That the Committee determine Mr Jones' application for the grant of a street trading consent.

BACKGROUND PAPERS

29. Application Form.

John Pym

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DIRECTOR OF LAW AND PROPERTY

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