

DUDLEY METROPOLITAN BOROUGH

LICENSING AND SAFETY COMMITTEE

19TH DECEMBER 2005

REPORT OF THE DIRECTOR OF LAW AND PROPERTY

RENEWAL OF STREET TRADERS CONSENT

PURPOSE

1. To consider the application on behalf of Dermot McGillcuddy for the renewal of a Street Trading consent for an Arts and Crafts Market in High Street/Coventry Street, Stourbridge.

BACKGROUND

2. On the 4th February 2005, Mr McGillcuddy made application for the grant of a consent to engage in street trading in respect of an Arts and Crafts Market in High Street/Coventry Street, Stourbridge for the 2nd and 4th Saturday of each month.
3. That application was circulated to the West Midlands Police, Directorate of the Urban Environment, Democratic Services, Stourbridge Town Centre Manager and the Manager of Spencers Indoor market, Stourbridge.
4. Julie Jones, Commercial Operations Manager, Corporate Estates made various comments which were brought to the attention of the Committee. None of the other agencies raised objections.
5. A letter of support was received from Debra Shipley, Labour MP for Stourbridge.
6. On the 1st April 2005, a letter of objection was received from UK Markets Ltd (Spencers Indoor Market).
7. This matter was considered by the Committee on the 19th April 2005. The Committee resolved that a consent to engage in street trading be issued for a period of 6 months provided all goods sold are new apart from collectables and antiques.

8. On the 28th October 2005, an application was received from Dermot McGillcuddy for the renewal of his consent to engage in street trading. A copy of that application is attached to this report as Appendix 1.
9. That application was circulated as in paragraph 3 above. None of the agencies raised objections.
10. This application was also circulated to UK Markets Limited who raised no objections.
11. This application falls within the Council's responsibility for licensing as a direct link to the Council's key corporate priority that safety matter.

PROPOSAL

12. That the Committee consider Mr Dermot McGillcuddy 's application for the renewal of his consent to engage in street trading.

FINANCE

13. There are no financial implications.

LAW

14. 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/Coventry Street, Stourbridge is a consent streets designated as such by a resolution of the Council. To trade without such a consent is an offence.
15. 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.
16. 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.
17. 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.
18. 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

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

RECOMMENDATION

20. That the Committee determine Mr. McGillcuddy application for the renewal of his street trading consent.

BACKGROUND PAPERS

21. Application Form.

John Pym

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DIRECTOR OF LAW AND PROPERTY

Contact Officer: Mrs. J. Elliott - Ext. 5377