

**Licensing Sub Committee 4 – 28<sup>th</sup> August 2012**

**Report of the Director of Corporate Resources**

**Application for Consent to Engage in Street Trading**

**Purpose of Report**

1. To consider the application on behalf of Mr Christopher Maurice Davis for the grant of a consent to engage in street trading at a site in the Ryemarket, Stourbridge, West Midlands.

**Background**

2. On the 11<sup>th</sup> September 2008, Mr Davis made application for the grant of a street trader's consent to sell wet fish and fresh eggs in Coventry Street, Stourbridge.
3. This application was circulated to the West Midlands Police, Directorate of the Urban Environment, Stourbridge Town Centre Manager and the Commercial Operations Manager, Corporate Estates.
4. Highways, Traffic and Road Safety and the Town Centre Manager all of the Directorate of the Urban Environment made comments which were brought to the attention of the Committee.
5. The Commercial Operations Manager, Corporate Estates also made comments which were brought to the attention of the Committee.
6. None of the other agencies raised objections.
7. This matter was considered by the Licensing Sub-Committee on the 4<sup>th</sup> November 2008. The Committee resolved that Mr Davis be issued with a consent to engage in street trading for a period of 12 months. That consent was subsequently renewed and expired on the 4<sup>th</sup> November 2010.
8. On the 5<sup>th</sup> October 2010, Mr Davis made a further application for the grant of a consent to engage in street trading to sell wet fish and fresh eggs at a site in Foster Street, Stourbridge.
9. This application was circulated as in paragraph 3 above.

10. The Town Centre Manager made comments which were brought to the attention of the Committee.
11. Highways, Traffic and Road Safety both of the Directorate of the Urban Environment made comments, which were brought to the attention of the Committee.
12. None of the other agencies raised objections.
13. This matter was considered by the Licensing Sub-Committee on the 7<sup>th</sup> December 2010. The Committee resolved that Mr Davis be issued with a street traders consent to trade in Foster Street, Stourbridge for a period of 12 months. That consent bore the expiry date of the 6<sup>th</sup> December 2011.
14. On the 18<sup>th</sup> February 2011, Mr Davis made a further application for the grant of a street trading consent to sell wet fish and fresh eggs at his original site in Coventry Street, Stourbridge on Thursdays and Saturdays between the hours of 8.00 am and 4.00pm due to the lack of trade at his then current site in Foster Street, Stourbridge. A copy of that application was forwarded to Committee Members and interested parties.
15. That application was circulated as in paragraph 3 above.
16. The Commercial Operations Manager made comments which were brought to the attention of the Committee.
17. The Town Centre Manager, also made comments, which were brought to the attention of the Committee.
18. None of the other agencies raised objections.
19. This matter was considered by the Sub-Committee on the 19<sup>th</sup> April 2011. The Committee resolved that the application be granted in respect of Coventry Street to trade every Thursday and the 2<sup>nd</sup>, 4<sup>th</sup> and 5<sup>th</sup> Saturday of each month. That permit bore the expiry date of 14<sup>th</sup> April 2012. Mr Davis subsequently surrendered his consent in respect of Foster Street, Stourbridge.
20. Due to the regeneration work being undertaken in Stourbridge Town Centre Mr Davis was moved for a temporary period to the Ryemarket, Stourbridge.
21. On the 29<sup>th</sup> May 2012, Mr Davis made application for the grant of consent to engage in street trading for a permanent site at the Ryemarket, Stourbridge to sell fresh fish and eggs on Wednesdays and Fridays between the hours of 8.00am and 3.00pm. That application has been circulated to Committee Members and interested parties.
22. The application was also circulated as in paragraph 3 above.

23. The CCTV, Curatorial Services and Commercial Operations Manager made comments which have been forwarded to Committee Members and interested parties.
24. The Director of the Urban Environment (Highways) also made comments which were circulated to Committee Members and interested parties.
25. None of the other agencies raised any objections.
26. This report has a direct link to the Council's priority for safety as the principle reason for submission in safeguarding the public.

### **Finance**

27. There are no financial implications.

### **Law**

28. The grant of consents to engage in street trading is governed by Part III of the Schedule IV to the Local Government (Miscellaneous Provisions) Act 1982. Ryemarket, Stourbridge is a consent street designated as such by a resolution of the Council. 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 no 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 period which he may trade.
32. There is no right of appeal to 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 determine Mr Davis's application for the grant of a street trading consent in Ryemarket, Stourbridge.



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DIRECTOR OF CORPORATE RESOURCES

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## **List of Background Papers**