

## **DUDLEY METROPOLITAN BOROUGH**

### **LICENSING & SAFETY COMMITTEE**

**19<sup>TH</sup> DECEMBER 2005**

### **REPORT OF THE DIRECTOR OF LAW AND PROPERTY**

### **RENEWAL/VARIATION OF STREET TRADERS CONSENT**

#### **PURPOSE**

- 1 To consider the applications for renewal/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 consent is to sell candy floss, toffee apples and hot snacks (other than items sold by other street traders selling food), for the following days and times:-

Monday - Saturday      9.00am - 9.00pm

- 3 During the refurbishment of Halesowen Town Centre, the Committee considered all street trading consent sites and resolved on the 20th November the following:-

<b>NAME &amp; ADDRESS</b>	<b>ARTICLES SOLD</b>	<b>ORIGINAL POSITION</b>	<b>DESCRIPTION OF RECEPTACLE</b>	<b>DAYS &amp; TIMES</b>
Mrs A H Brookes The Meadow, 68 Gospel End Road, Sedgley	Filled Baked Potatoes, Soup and Non-Alcoholic Drinks	In front of the ornamental wall in Great Cornbow facing HSBC Bank and bicycle rack on the right (bicycles securing racks shall not be obstructed)	Towability Mobile Catering Unit. Height 7ft, Length 10ft, Width 6ft 8"	Monday-Saturday 9.30 am – 5.30 pm
Mr H Jones 37a St. Annes Road, Cradley Heath, Warley	Candy Floss, Toffee Apples and hot snacks (other than items sold by other street traders selling food).	Hagley Street, Halesowen	Snax U Like Van 12ft x 7ft 9"	Monday-Saturday 9.00 am – 9.00 pm

Mr S Fitzpatrick 394 Bromsgrove Road, Hunnington, West Midlands	Flowers & Plants	On area of pavement where Hagley Street meets Little Cornbow	Victorian Wrought Iron Barrow	Monday-Saturday 8.00am – 6.00 pm Sunday 10.00am – 4.00 pm
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- 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 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 On the 10<sup>th</sup> January 2005 Mr Jones withdrew his application for the variation of his street trading site.
- 11 This matter was considered by the Committee on the 11<sup>th</sup> January 2005. The Committee resolved that Mr Jones' street traders consent be renewed on the same terms and for the same site 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. A copy of the letter of application/photographs are attached to this report as Appendix 1.

- 15 None of the agencies raised objections to the variation. The Town Centre Manager sent a letter of support which is attached to this report as Appendix 2.
- 16 On the 17<sup>th</sup> August 2005 Mr Jones made application for the renewal of his street traders consent. A copy of that application is attached as Appendix 3.
- 17 That application was circulated as in paragraph 6 above. None of the agencies raised objections.
- 18 This application falls within the Council's responsibility for licensing as a direct link to the Council's key corporate priority that safety matters.

### **PROPOSAL**

- 19 That the Committee consider the application by Mr H Jones to renew/vary his Street Trading Permit.

### **FINANCE**

- 20 There are no financial implications.

### **LAW**

- 21 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.
- 22 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.
- 23 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.
- 24 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.
- 25 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**

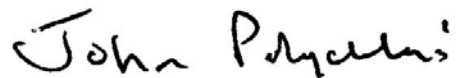
26 This report takes account of the Council's policy on equal opportunities.

## **RECOMMENDATION**

27 That the Committee consider the renewal/variation of the Street Trading Sites issued to Mr Jones.

## **BACKGROUND PAPERS**

28 Application Form

A handwritten signature in black ink, appearing to read "John Pym".

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DIRECTOR OF LAW AND PROPERTY

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