

Licensing Sub-Committee 3 – 30th October 2012

Report of the Director of Corporate Resources

Application for Consent to Engage in Street Trading

Purpose of Report

1. To consider the application made by Mr and Mrs Bridgewater for the grant of a consent to engage in street trading in High Street/Peckingham Street, Halesowen.

Background

2. On 7th August 2012, Mr and Mrs Bridgewater made application for the grant of a consent to engage in street trading in High Street/Peckingham Street, Halesowen to sell baked potatoes, hot and cold drinks, Monday to Saturday inclusive between the hours of 9.00am and 5.00pm.
3. This application was circulated to the West Midlands Police, Director of the Urban Environment, Head of Economic Development, Commercial Operations Manager, Corporate Estates and the Halesowen Chamber of Trade.
4. The Directorate of the Urban Environment (Highways) made comments which have been circulated to Committee Members and interested parties. None of the other agencies raised objections.
5. Mr and Mrs Bridgewater currently hold a consent to engage in street trading for the Ryemarket, Stourbridge to sell hot baked potatoes and hot and cold drinks Monday to Saturday inclusive between the hours of 9.00 am and 5.00 pm. That consent bears the expiry date of the 5th February 2013. Mr and Mrs Bridgewater wish to trade in both Stourbridge and the new proposed site in Halesowen.
6. This matter was due to be considered by the Licensing Sub-Committee on 2nd October 2012. The Committee resolved at the request of the applicant that the matter be deferred to a future hearing.
7. This application falls within the Council's responsibility for licensing which has a direct link to the Council's key corporate priority that safety matters.

Finance

8. There are no financial implications.

Law

9. 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. is a consent street designated as such by a resolution of the Council. To trade without such a consent is an offence.
10. 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.
11. 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.
12. 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.
13. 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

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

Recommendation

16. That the Committee consider Mr and Mrs Bridgewater's application for the grant of a consent to engage in street trading.



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DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Mrs. J. Elliott 5377
Telephone: 01384 815377
Email: janet.elliott@dudley.gov.uk

List of Background Papers