

**Licensing Sub-Committee 4 - 5th December 2006**

**Report of the Director of Law and Property**

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

**Purpose of Report**

- 1 To consider the application on behalf of Pat Sparry for the grant of a consent to engage in street trading at a site next to the fountain, in High Street, Dudley.

**Background**

2. On the 25th September 2006 Pat Sparry made application for the grant of a Street Trader's Permit to sell coffee/cold drinks and espresso derived drinks next to the fountain in Dudley Town Centre on Monday to Friday 8.00 a.m. to 3.00 p.m. A copy of the application together with a site plan is attached to this report as Appendix 1.
3. The application was circulated to the West Midlands Police, Director of the Urban Environment, Dudley Town Centre Manager and Julie Jones, Commercial Operations Manager, Corporate Estates.
4. The Town Centre Manager made comments which are attached to this report as Appendix 2.
5. Julie Jones, Commercial Operations Manager, Corporate Estates made comments which are attached to this report as Appendix 3. None of the other agencies raised objections.
6. This report has a direct link to the Council's priority for safety as the principle reason for submission in safeguarding the public.

**Finance**

7. There are no financial implications.

**Law**

8. 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/Dudley is a consent streets designated as such by a resolution of the Council. To trade without such a consent is an offence.

9. 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.
10. 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.
11. 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.
12. 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**

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

### **Recommendations**

15. That the Committee determine Pat Sparry's application for the grant of a street trading consent in Dudley Town Centre.

*John Poyell*

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DIRECTOR OF LAW AND PROPERTY

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### **List of Background Papers**