

**Licensing Sub-Committee 2 – 16<sup>th</sup> December 2008**

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

**Application for Consent to Engage in Street Trading Mr P R Dunkley and Mrs S J Dunkley**

**Purpose of Report**

1. To consider the application on behalf of Mr Paul Ray Dunkley and Mrs Sally Jane Dunkley for the grant of a consent to engage in street trading at a site on Hagley Street or Peckingham Street, Halesowen.

**Background**

2. On 11<sup>th</sup> November 2008, Mr Paul Dunkley and Mrs Sally Dunkley made application for the grant of a street traders consent to sell donuts, tea, coffee, crisps, chocolate i.e. mars bars and cans of pop at a site in Hagley Street or Peckingham Street, Halesowen – Monday to Sunday 9.00 am to 4.00 pm. A copy of the application together with site plans are attached to this report as Appendix 1.
3. The application was circulated to the West Midlands Police Director of the Urban Environment, Halesowen Town Centre Manager and Julie Jones, Commercial Operations Manager, Corporate Estates.
4. The West Midlands Police made comments, which are attached to this report as Appendix 2.
5. Alan Radford, DUE (Street Maintenance) made objections regarding the application. A copy of his report is attached as Appendix 3.
6. The Town Centre Manager, Stuart Perry also made comments regarding the application. A copy of his comments are attached as Appendix 4.
7. None of the other agencies raised objections.
8. This report has a direct link to the Council's priority for safety as the principle reason for submission is safeguarding the public.

## **Finance**

9. There are no financial implications.

## **Law**

10. 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. Hagley Street and Peckingham Street, Halesowen are consent streets designated as such by a resolution of the Council. To trade without such a consent is an offence.
11. 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.
12. 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.
13. 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.
14. 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**

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

## **Recommendation**

17. That the Committee determine Mrs S J Dunkley and Mr P R Dunkley's application for the grant of a street trading consent in Hagley Street, Dr Peckingham Street, Halesowen.



.....  
INTERIM DIRECTOR OF LAW AND PROPERTY

Contact Officer: Mrs. J. Elliott 5377

Telephone: 01384 815377  
Email: [janetelliott@dudley.gov.uk](mailto:janetelliott@dudley.gov.uk)

## **List of Background Papers**