

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 Mr Richard Alan Wollaston for the grant of a consent to engage in street trading in Birmingham Street, Dudley

Background

2. On the 21st August 2006 Mr Wollaston made application for the grant of a street trader's permit for Birmingham Street on Monday to Friday between the hours of 5.30 am to 5.30 pm and Saturday 5.30am to 3.00 pm selling hot food and drinks from a catering vehicle. A copy of the application together with the site plan is attached to this report as Appendix 1.
3. This 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 and Alan Radford.
4. The Director of Urban Environment made comments which are attached to this report as Appendix 2.
5. Alan Radford made comments, which are attached to this report as Appendix 3.
6. West Midlands Police made objections which are attached to this report as Appendix 4.
7. This report has a direct link to the Councils priority for safety as the principal reason for submission is safeguarding the public.

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.
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 determine Mr Wollaston'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