

Licensing Sub-Committee - 9th May, 2006

Report of the Director of Law and Property

Street Trading Consent

Purpose of Report

1. To consider the application on behalf of Mr Francis Andrew Smith for the grant of a consent to engage in street trading at a site in High Street, Stourbridge.

Background

2. Mr Smith made application for the grant of a street trading consent to engage in street trading at a site in High Street, Stourbridge, on the 13th March, 2006, to sell hot dogs, burgers, french fries, hot and cold drinks, a copy of that application together with a site plan is attached to this report as Appendix 1.
3. This application was circulated to the West Midlands Police, Directorate of the Urban Environment, 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, also made comments, which are attached to this report as Appendix 3.
6. None of the other agencies raised objections.
7. Mr Smith also made application for a premises licence in respect of this site which was granted on the 30th March, 2005.
8. 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.

Proposal

9. That the Sub-Committee consider Mr Smith's application for the grant of a street trading consent to sell hot dogs, burgers, fries, hot and cold drinks and ice cream in Stourbridge Town Centre.

Finance

10. There are no financial implications.

Law

11. 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, Stourbridge is a consent street designated as such by a resolution of the Council. This means that street trading can take place only if the trader has a street trading consent issued by the Council. To trade without such consent is an offence.
12. Where the consent allows the holder the trade from a cart, barrow or other vehicle, then the consent must specify the location from which the trader may trade and the times between which or periods for which he may trade.
13. Paragraph 7(2) of Schedule IV to 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.
14. There is no right of appeal against the Council's decision to vary a condition upon which a consent is issued, or a refusal to grant or renew a street trader's consent.

Equality Impact

15. This report take 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 Sub-Committee determine Mr Smith's application.

John Poyce

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DIRECTOR OF LAW AND PROPERTY

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

List of Background Papers

None