

Licensing Sub-Committee 5 – 26th February 2008

Report of the Director of Law and Property

Review of Street Trading Consent/Prohibited Sites

Tansey Green Road – (Layby)

Purpose of Report

- 1 To consider the application on behalf of Carol-Marie Carr, for the revision of the consent/prohibited streets in Dudley Borough to include Tansey Green Road as a consent street in respect of Street Trading.

Background

2. On the 18 December 2007, Ms Carr made application for the revision of the consent/prohibited streets in Dudley, a copy of that requested is attached to this report as Appendix 1.
3. This application was circulated to the Directorate of the Urban Environment; Democratic Services; Julie Jones, Commercial Operations Manager, Corporate Estates, and the West Midlands Police.
4. The Director of the Urban Environment made objections which are attached to this report as Appendix 2.
5. The West Midlands Police also made objections, a copy of that report is attached as Appendix 3.
6. Julie Jones, Commercial Operations Manager, Corporate Estates made comments which are attached to this report as Appendix 4.
7. None of the other agencies raised objections.
8. This application has a direct link to the Council's key corporate priority that safety matters.

Finance

9. There are no financial implications.

Law

10. Under the Local Government (Miscellaneous Provisions) Act 1982, The Council may pass a resolution which will designate any street within their District as:-
 - (1) a prohibited street;
 - (2) a licence street; or
 - (3) a consent street,and for the purposes of street trading.

11. Before the Council pass this resolution they must:-
 - (1) Publish a Notice containing a draft of their proposed resolution and invite the public to make written representations to the Council within 28 days of publication of the Notice.
 - (2) Serve a copy of the Notice on the Chief Officer of Police for the area in which the street to be designated is situated.
 - (3) Serve a copy of the Notice on the Environmental Engineering and Transportation Department (Highways Division).

12. As soon as is practicable the Council must consider any representations received in response to the public Notice within the stated 28 days.

13. After consideration of the representations the Council may pass a resolution.

14. Once a resolution has been passed the Council must publish a Notice containing the resolution for two consecutive weeks in a local newspaper. The first publication of this Notice must allow 28 days before the date that the resolution is to come into force.

15. The Council may stipulate that a Street Trading Consent will not be granted to any person who proposes to trade in the street for a number of days in every week less than the number specified in the resolution.

16. Any resolution passed by the Council may be varied or rescinded by following the same procedure as outlined in paragraphs 9 to 15 in this report.

Equality Impact

17. This report takes into account the Council's policy on equal opportunities.

18. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

19. That the Committee determine the application for the revision of street trading consent/prohibited streets within the borough.

John Pugh

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DIRECTOR OF LAW AND PROPERTY

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List of Background Papers