

Licensing Sub-Committee 2 – 7th October 2008

Report of the Director of Law and Property

Application for Consent to Engage in Street Trading

Anne & Ian's Cosy Kitchen

Purpose of Report

- 1 To consider the application on behalf of Mrs Anne Woodward and Mr Ian Griffiths for the grant of a consent to engage in street trading at a site in the pedestrian area between Crown Lane and Coventry Street, Stourbridge.

Background

2. On 29th July 2008, Mrs Anne Woodward and Mr Ian Griffiths made application for the grant of a Street Trader's Consent to sell hot and cold food and beverages in the pedestrian area between Crown Lane and Coventry Street on Monday to Saturday 10.00 a.m. to 4.00 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, Stourbridge Town Centre Manager and Julie Jones, Commercial Operations Manager, Corporate Estates.
4. Julie Jones, Commercial Operations Manager, Corporate Estates made comments which are attached to this report as Appendix 2.
5. Alan Radford, DUE (Street Maintenance) made comments regarding the application. A copy of his comments is attached as Appendix 3.
6. The Town Centre Manager, Pat Taylor, raised objections to the application, a copy of her objections is 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. Coventry Street, Stourbridge is a consent street 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.

Recommendations

17. That the Committee determine Mrs Anne Woodward and Mr Ian Griffiths' application for the grant of a street trading consent in the pedestrian area between Crown Lane and Coventry Street.

John Poyellis

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DIRECTOR OF LAW AND PROPERTY

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

List of Background Papers