

Licensing Sub-Committee 2 - 3rd June, 2014

Report of the Director of Corporate Resources

Application for Consent to Engage in Street Trading

Mrs. J. Watton (Forget Me Nots) - Gornal Crematorium

Purpose of Report

1. To consider the application made by Mrs. Julie Watton for the grant of a consent to engage in street trading at Gornal Crematorium, Chase Road, Gornal Wood, Dudley, West Midlands.

Background

2. For many years there have been flower sellers outside both the Crematoria at Gornal Wood and Stourbridge. This was by agreement with Bereavement Services.
3. The agreements concluded in March and May 2012, respectively.
4. In order to be fair to all, Bereavement Services decided to request the formalisation of these pitches to allow street trading consents to be issued to the traders.
5. Accordingly, on the 14th December, 2011, Mr. Ian Bailey, Principal Bereavement Services Officer made application for the revision of the consent/prohibited streets in the Dudley Borough.
6. This matter was considered by the licensing Sub-Committee on the 17th January, 2012. The Committee resolved that the application to include Chase Road, Gornal Wood and South Road, Stourbridge, as consent streets for the purpose of Street Trading be approved in principal.
7. The Committee further resolved that the Licensing Officer publish a notice in a local newspaper setting out the proposed resolution and requesting that any objections be received within 28 days of the date of publication. That notice was published in the Express and Star on the 20th January, 2012.
8. A copy of that notice was also served on the West Midlands Police and the Director of the Urban Environment (Highways).

9. On the 25th January, 2012, a letter of objection was received from a local resident and was forwarded to the Committee Members.
10. This matter was considered by the Sub-Committee on the 13th March, 2012, the Committee resolved to approve the resolution. However, prior to the streets becoming consent sites the prescribed legal notices containing the resolution were published in the Express and Star newspaper for two consecutive weeks, the first notice also contained the application criteria drawn up by Bereavement Services.
11. Following that notice on the 18th May, 2012, Mrs. Julie Watton made application for the grant of a Street Trader's Consent to sell flowers at Gornal Crematorium, Chase Road, Gornal on weekends and bank holidays between the hours of 9.00 a.m. to 1.00 p.m. A copy of that application was circulated to the Committee Members and interested parties.
12. This application was also circulated to the West Midlands Police, Director of the Urban Environment, Head of Economic Development and the Commercial Operations Manager, Corporate Estates.
13. This matter was due to be considered by the Licensing Sub-Committee on the 31st July, 2012, that application was, however, subsequently withdrawn.
14. On the 21st March, 2014, Mrs. Watton made a further application for the grant of a street trader's consent to sell flowers at Gornal Crematorium, Chase Road, Gornal, on Saturdays and Sundays between the hours of 9.00 a.m. and 1.00 p.m.
15. That application was circulated as in paragraph 12 above, none of the agencies made objections.
16. This application falls within the Council's recent responsibility for licensing which has direct link to the Council's key corporate priority that safety matters.

Finance

17. There are no financial implications.

Law

18. 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, Chase Road is a consent street designated as such by a resolution of the Council. To trade without such a consent is an offence.
19. 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.
20. 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.

21. 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.
22. 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

23. This report takes into account the Council's policy on equality and diversity.
24. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

25. That the Committee consider Mrs. Watton's application for the grant of a street trading consent at Gornal Crematorium.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers