

DUDLEY METROPOLITAN BOROUGH

LICENSING SUB-COMMITTEE

REPORT OF THE DIRECTOR OF LAW AND PROPERTY

REVIEW OF STREET TRADING CONSENT/PROHIBITED SITES

31ST OCTOBER 2005

PURPOSE

1. To consider the application on behalf of Matthew Caddick (Town Centre Manager, Dudley and Stourbridge) and Stuart Perry (Town Centre Manager, Halesowen and Brierley Hill), for the revision of the consent/prohibited streets in the Borough in respect of Street Trading.

BACKGROUND

2. On the 18th May, 2005, Matthew Caddick (Town Centre Manager, Dudley and Stourbridge), made application for the revision of the consent/prohibited streets in Dudley and Stourbridge Town Centre, a copy of that requested is attached to this report as Appendix 1).
3. On the 9th June, 2005, Stuart Perry (Town Centre Manager for Halesowen and Brierley Hill), made application for the approval of consent streets in Brierley Hill Town Centre, currently Brierley Hill has no approved consent streets in respect of Street Trading, a copy of that request is attached as appendix 2 to this report.
4. Both applications were circulated to the Directorate of the Urban Environment; Democratic Services; Julie Jones, Commercial Operations Manager, Corporate Estates, and the West Midlands Police.
5. The Director of the Urban Environment made various comments which were brought to the attention of the Committee.
6. Julie Jones, Commercial Operations Manager, Corporate Estates also made comments which were brought to the attention of the Committee.
7. None of the other agencies raised objections.

8. This matter was considered by the Committee on the 8th September 2005. The Committee resolved that a legal notice be published in the Express and Star newspaper on the 16th September, 2005. A copy of that notice is attached as Appendix 3. No objections have been received by the licensing office.
9. This application has a direct link to the Council's key corporate priority that safety matters.

PROPOSAL

10. That the Committee consider both applications.

FINANCE

11. There are no financial implications.

LAW

12. 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.
13. 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).
14. As soon as is practicable the Council must consider any representations received in response to the public Notice within the stated 28 days.
15. After consideration of the representations the Council may pass a resolution as outlined in paragraph 12 of this report.

16. 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.
17. 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.
18. Any resolution passed by the Council may be varied or rescinded by following the same procedure as outlined in paragraphs 12 to 18 in this report.

EQUALITY IMPACT

19. This report takes account of the Council's policy on equal opportunities.

RECOMMENDATION

20. That the Committee determine both applications for the revision of street trading consent/prohibited streets.

BACKGROUND PAPERS

21. Application Form.

John Pappas

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DIRECTOR OF LAW AND PROPERTY

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