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**Meeting of the Licensing Sub-Committee 3 - 5<sup>th</sup> September 2023**

**Report of the Interim Service Director of Environment Directorate**

**Application for Renewal of Consent to Engage in Street Trading - Mr Muhammad Ikhlas – Build A Burga Ltd**

**Purpose**

1. To consider the application made by Muhammad Ikhlas (Build A Burga Ltd) for the renewal of a consent to engage in street trading in Dudley Town Centre.

**Recommendation**

2. That the Committee consider this application for the renewal of a consent to engage in street trading for the sale of Burgers in Stone Street Square, Dudley, following the receipt of representations.

**Background**

3. The recent history of street trading within the Dudley Borough is as follows: On the 28<sup>th</sup> October 1987 the Administration, Property and Legal Committee approved the transition of regulation for Street Trading, from Section 40 of the Local Government (Miscellaneous Provisions) Act 1982 Part III.
4. In accordance with the regulations the Committee designated consented and prohibited streets throughout the Borough in relation to street trading. The designated streets came into force on the 22<sup>nd</sup> May 1989.
5. On 20<sup>th</sup> March 1991 the Administration, Property and Legal Committee determined new criteria in respect of street trading consents. As a result a committee meeting was held on the 29<sup>th</sup> April 1991, where all

holders of street consents were invited to submit new proposals in line with the new criteria. As a result of the hearing, all successful applicants were issued with new terms and conditions.

6. On the 31<sup>st</sup> of October 2005, following requests from Town Centre Managers, the Licensing Sub Committee approved amendments to the designated consented and prohibited streets. This included the following:

Consented Streets:

Stone Street Square  
Stone Street (High Street to Priory Street)

The rest of Stone Street was considered a prohibited street for street trading.

7. All street consents were reviewed by the Licensing and Safety Committee on the 12<sup>th</sup> November 2009, however no amendments were made and therefore the consented and prohibited streets shown in paragraph 6 are still valid.
8. On the 23<sup>rd</sup> May 2022, an application was received by the Licensing Office from Mr Ikhlas for the grant of a consent to engage in street trading in Stone Street Square, Dudley to sell Burgers, Fries and Canned Drinks. Monday to Sunday 12.00pm until 11.00pm.
9. This matter was considered by the Committee on the 2<sup>nd</sup> August 2022, when comments in respect of the application were received from Environmental Health and Trading Standards, Traffic Transportation and Engineering Services and Placemaking (Regeneration and Enterprise). The Committee resolved that a consent to engage in street trading in Dudley Town Centre be approved subject to the relevant Department to confirm in writing the precise location on which the applicant could trade at Stone Street Square, Dudley.
10. On the 20<sup>th</sup> March 2023 an application to renew the consent from the 2<sup>nd</sup> August 2023 was received by the Licensing office.
11. That application together with details of the proposed site and photograph of the trading vehicle were circulated to Committee Members and interested parties, details of the application were also posted on the Council Web Site.

12. Comments in respect of the application were received from 3 Ward Councillors, Corporate Landlord Services, Street Green Care and Amenity Services and Environmental Health and Trading Standards and are attached to this report as Appendix 2.

### **Finance**

13. There are no financial implications.

### **Law**

14. 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. To trade without such consent is an offence.
15. 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.
16. 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.
17. Where the consent allows the holder to trade from a cart, barrow, or other vehicle, then the consent must specify the location from which they may trade and the times between which or periods for which they may trade.
18. There is no right of appeal against the Council's decision to vary a condition upon which consent is issued, or refusal to grant or renew a street trader's consent.

### **Risk Management**

19. There are no risk management implications.

### **Equality Impact**

20. This report takes into account the Council's policy on equal opportunities.
21. There has been no consultation or involvement of children and young people in developing these proposals.

## **Human Resources/Organisational Development**

22. There are no human resources/organisational development implications.

## **Commercial/Procurement**

23. There are no commercial/procurement implications.

## **Council Priorities and projects**

24. This application falls within the Council's responsibility for Licensing as a direct link to the Council's key corporate priority to support stronger and safer communities.



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## **List of Background Documents**

Current Street Trading Consent

## **Appendices**

Appendix 1 - Application Form  
Appendix 2 - Representations