

DUDLEY METROPOLITAN BOROUGH

LICENSING AND SAFETY COMMITTEE

REPORT OF THE DIRECTOR OF LAW AND PROPERTY

24<sup>TH</sup> MARCH, 2005

CONSENT TO ENGAGE IN STREET TRADING

1.0. PURPOSE

- 1.1. To consider the application on behalf of Mr. David George Morrison for the Grant of a Consent to Engage in Street Trading in Dudley Town Centre.

2.0. BACKGROUND

- 2.1. On the 11<sup>th</sup> October 2004, Mr. David George Morrison made an application for the Grant of a Consent to Engage in Street Trading in Dudley Town Centre. A copy of the application and site plan are attached to this report as Appendix 1.
- 2.2. This application was circulated to The West Midlands Police, Democratic Services, The Directorate of the Urban Environment and The Town Centre Manager.
- 2.3. The Directorate of the Urban Environment (Environmental Health) made comments which are attached to this report as Appendix 2.
- 2.4. The Democratic Services Department (Joe Jablonski) made comments which are attached to this report as Appendix 3.
- 2.5. Objections have been received from Julie Jones, Commercial Operations Manager, Directorate of Law and Property, Corporate Estate Services Division, and are attached to this report as Appendix 4.
- 2.6. Objections have been received from George Whitehouse, Town Centre Manager, and are attached to this report as Appendix 5.
- 2.7. The Directorate of the Urban Environment (Engineers Department) made comments which are attached to this report as Appendix 6.
- 2.8. None of the other agencies raised objections.
- 2.9. This matter was considered by the Committee on the 11<sup>th</sup> January, 2005. The Committee resolved that the application made by Mr. Morrison should be deferred

to allow for more detailed information from the Town Centre Manager and the Regeneration Manager to be submitted to the Committee.

2.10. On the 8<sup>th</sup> February, 2005, Matthew Caddick, Town Centre Manager, produced the following information which is attached to this report as Appendix 7:-

- Photographs of the Town Centre showing current positions of street traders trading from their permitted sites.
- A detailed scale plan of the Town Centre with the existing traders together with a separate plan showing the implications of the farmers market when it commences trading at Easter.

2.11. This matter was again considered by the Committee on the 22<sup>nd</sup> February 2005. The Committee resolved that the matter be deferred to the next hearing. They also resolved that a site visit be undertaken on the 25<sup>th</sup> February, 2005.

2.12. This site visit was undertaken on the 25th February 2005 when it was resolved that the site for trading should be opposite the Halifax Building Society as shown on the site plan attached as Appendix 8.

### 3.0 PROPOSAL

3.1 That the Committee consider Mr David George Morrison's application for the grant of a consent to engage in street trading in Dudley Town Centre.

### 4.0 FINANCE

4.1 There are no financial implications.

### 5.0 LAW

5.1 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. High Street/Dudley is a consent streets designated as such by a resolution of the Council. To trade without such consent is an offence.

5.2 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.

5.3 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.

5.4 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.

5.5 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.

6.0 EQUAL OPPORTUNITIES

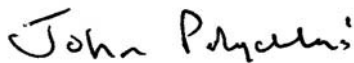
6.1 This report takes into account of the Council's policy on equal opportunities.

7.0 RECOMMENDATION

7.1 That the Committee determine Mr Morrison's application for the Grant of a Street Trading Consent.

8.0. BACKGROUND PAPERS

8.1. Application form.



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DIRECTOR OF LAW AND PROPERTY

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