

DUDLEY METROPOLITAN BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

19th DECEMBER 2005

REPORT OF THE DIRECTOR OF LAW AND PROPERTY

STREET TRADING CONSENT

PURPOSE

1. To consider the application made by Mr F A Smith to renew/vary his street trading consent to sell hot dogs, burgers, fries, hot and cold drinks and ice cream in Stourbridge Town Centre.

BACKGROUND

2. Mr F A Smith has held a street trader's consent for a number of years, which has subsequently been renewed with the present licence expiring on the 10th June 2005.
3. This consent enables Mr Smith to sell hot dogs, burgers, fries, hot and cold drinks and ice cream from sites in Dudley and Stourbridge Town Centres.
4. On the 9th June 2000, Mr Smith made application to renew his consent.
5. The application was circulated to the then Environment, Engineering and Transportation Department, Planning and Leisure Department and Support Services. There were no objections to this application.
6. On the 13th June 2000, a letter of complaint was received from Bernard Neville and Company, which was brought to the attention of the Committee.
7. This application was considered by the then Policy (Licensing) Sub-Committee on the 5th December 2000. The Sub-Committee resolved that the application be granted, that licence has subsequently been renewed and bears the expiry date of the 10th June 2005.
8. On the 11th March 2005, Mr Smith made application for the variation of his street trading permit in Stourbridge Town Centre to allow him to trade until 3.00am. A copy of that letter is attached as Appendix 1 to this report.

9. That application was circulated to the West Midlands Police, Director of the Urban Environment and the Town Centre Manager. The West Midlands Police made objections to the application, a copy of the report is attached as Appendix 2. None of the other agencies raised objections.
10. On the 1st June 2005, Mr Smith made application for the renewal of his street traders permits. These applications were circulated as in paragraph 9 above. None of the agencies raised objections.
11. Various letters of objection have been received from local traders in the Stourbridge area and are attached to this report as Appendix 3.
12. This application falls within the Council's responsibility for licensing as a direct link to the Council's key corporate priority that safety matters.

PROPOSAL

13. That the Sub-Committee consider Mr Smith's application for the renewal/variation of his street trading consent to sell hot dogs, burgers, fries, hot and cold drinks and ice cream in Stourbridge Town Centre.

FINANCE

14. There are no financial implications.

LAW

15. 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, Market Street, Birmingham Street, Dudley and Foster Street, Stourbridge are consent streets designated as such by a resolution of the Council. This means that street trading can take place only if the trader has a street trading consent issued by the Council. To trade without such a consent is an offence.
16. 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 trader may trade and the times between which or periods for which he may trade.
17. Paragraph 7(2) of Schedule IV to 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.
18. There is no right of appeal against the Council's decision to vary a condition upon which a consent is issued, or a refusal to grant or renew a street trader's consent.

EQUAL OPPORTUNITIES

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

RECOMMENDATION

20. That the Sub-Committee determine Mr Smith's application.

A handwritten signature in black ink, appearing to read "John P. ...". The signature is written in a cursive style.

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DIRECTOR OF LAW AND PROPERTY

Contact Officer: Mrs J Elliott - Ext 5377