

**Licensing Sub-Committee 2 – 21<sup>st</sup> November 2006**

**Report of the Director of Law and Property**

**Variation of the Consent to Engage in Street Trading**

**Purpose of Report**

1. To consider the application on behalf of Ms Adele Grove for the variation of the Street Trading consent to trade in Brierley Hill Town Centre.

**Background**

2. On the 18<sup>th</sup> November 2005, Ms Grove made application for the grant of a consent to engage in street trading to sell hot jacket potatoes, hot/cold drinks in Cottage Street, Brierley Hill.
3. This application was circulated to the West Midlands Police, Directorate of the Urban Environment, Democratic Services, Brierley Hill Town Centre Manager and Julie Jones, Commercial Operations Manager, Corporate Estates.
4. The Director of the Urban Environment (Highways) made comments.
5. The Town Centre Manager also made comments.
6. None of the other agencies raised any objections.
7. The matter was considered by the Licensing Sub-Committee on the 21<sup>st</sup> February 2006 where it was resolved that the consent be granted to sell the following:-

Hot potatoes and hot and cold drinks on the following days and times:-

Monday to Saturday            10.00am until 3.00pm

8. On the 21<sup>st</sup> August 2006, the Licensing office received a letter from Adele Grove requesting changes to the consent to engage in street trading.

9. Ms Grove would now like to sell:-

Sausage, bacon, eggs, toast and porridge (breakfast items)

Burgers and hotdogs.

Cold sandwiches and rolls with cold fillings and toasties.

On the following days and times:-

Monday to Saturday          7.00am until 3.00pm

10. This variation was circulated to the West Midlands Police, Directorate of the Urban Environment, Democratic Services, Brierley Hill Town Centre Manager and Julie Jones, Commercial Operations Manager, Corporate Estates. A copy of the variation request is attached as Appendix 1.
11. None of these agencies made any objections or comments.
12. This report has a direct link to the Council priority for safety as the principal reason for submission is safeguarding the public.

### **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. Cottage Street, Brierley Hill is a consent street designated as such by a resolution of the Council. To trade without such a 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 the trade/may trade and the times between which or periods for which he may trade.
18. 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**

19. This report takes into account the Council's policy on equal opportunities.
20. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.

There has been no consultation or involvement of children and young people in developing these proposals.

### **Recommendation**

21. That the Committee determine Ms Grove's application to variation of a street trading consent in Brierley Hill Town Centre.

*John Poyell*

.....  
DIRECTOR OF LAW AND PROPERTY

Contact Officer: Mrs. J. Elliott 5377  
Telephone: 01384 815377  
Email: [janetelliott@dudley.gov.uk](mailto:janetelliott@dudley.gov.uk)

### **List of Background Papers**

22. Variation request.