

DUDLEY METROPOLITAN BOROUGH

LICENSING SUB-COMMITTEE 2

21ST FEBRUARY, 2006

REPORT OF THE DIRECTOR OF LAW AND PROPERTY

APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING

PURPOSE

- 1 To consider the application on behalf of Mr. Rakesh Kumar for the grant of a Street Trading consent to trade in Dudley Town Centre.

BACKGROUND

- 2 On the 7th November, 2005, Mr. Kumar made application for the grant of a consent to engage in street trading to sell Indian food in High Street, Dudley.
- 3 This application was circulated to the West Midlands Police, Directorate of the Urban Environment, Democratic Services, Dudley Town Centre Manager and Julie Jones, Commercial Operations Manager, Corporate Estates. A copy of the application and site plan is attached to this report as Appendix 1.
- 4 The Dudley Town Centre Manager made objections, which are attached to this report as Appendix 2.
- 5 Julie Jones, Commercial Operations Manager, Corporate Estates made comments which are attached to this report as Appendix 3.
- 6 The Director of the Urban Environment also made comments which are attached to this report as Appendix 4.
- 7 Josef Jablonski, Democratic Services made comments which are attached as Appendix 5
- 8 Mr Kumar's application was delayed due to Mr Kumar being out of the country.
- 9 None of the other agencies raised any objections.

- 10 This report has a direct link to the Council priority for safety as the principal reason for submission is safeguarding the public.

PROPOSAL

- 11 That the Committee consider Mr. Kumar's application for the grant of a consent to engage in street trading.

FINANCE

- 12 There are no financial implications.

LAW

- 13 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/Coventry Street, Stourbridge is a consent streets designated as such by a resolution of the Council. To trade without such a consent is an offence.
- 14 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.
- 15 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.
- 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 trade/may trade and the times between which or periods for which he may trade.
- 17 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

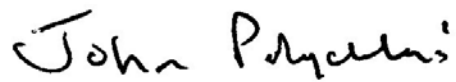
- 18 This report takes account of the Council's policy on equal opportunities.

RECOMMENDATION

19 That the Committee determine Mr. Kumar's application for the grant of a street trading consent in Dudley Town Centre.

BACKGROUND PAPERS

20 Application Form.



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DIRECTOR OF LAW AND PROPERTY

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