

**Licensing Sub-Committee 1 – 8<sup>th</sup> July, 2008**

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

**Review of Street Trading Consent/Prohibited Sites**

**Stockwell Avenue, Quarry Bank, Brierley Hill**

**Purpose of Report**

1. To consider the application on behalf of Mr. D. Grove, for the revision of the consent/prohibited streets in Dudley Borough to include Stockwell Avenue, Quarry Bank as a prohibited street in respect of Street Trading.

**Background**

2. On the 28<sup>th</sup> February, 2008, Mr. Grove made application for the revision of the consent/prohibited streets in Dudley, a copy of that requested is attached to this report as Appendix 1.
3. This application was circulated to the Directorate of the Urban Environment; Democratic Services; Julie Jones, Commercial Operations Manager, Corporate Estates, and the West Midlands Police.
4. None of the agencies raised objections.
5. Various letters of support were received from local residents prior to the Committee which were brought to the attention of the members at that hearing.
6. This matter was considered by the Licensing Sub-Committee on the 8<sup>th</sup> April, 2008. The Committee resolved that the application to include Stockwell Avenue as a prohibited street be approved in principal.
7. The Committee further resolved that the Licensing Officer publish a notice in the local newspaper setting out the proposed resolution and requesting that any objections be received within 28 days of the date of publication. A copy of that notice is attached to this report as Appendix 2 and was published in the Express & Star on the 15<sup>th</sup> April, 2008.

8. A copy of that notice was also served on the West Midlands Police and the Director of the Urban Environment (Highways). No objections have been received to that proposed.
9. This application has a direct link to the Council's key corporate priority that safety matters.

### **Finance**

10. There are no financial implications.

### **Law**

11. Under the Local Government (Miscellaneous Provisions) Act 1982, The Council may pass a resolution which will designate any street within their District as:-
  - (1) a prohibited street;
  - (2) a licence street; or
  - (3) a consent street,and for the purposes of street trading.
12. Before the Council pass this resolution they must:-
  - (1) Publish a Notice containing a draft of their proposed resolution and invite the public to make written representations to the Council within 28 days of publication of the Notice.
  - (2) Serve a copy of the Notice on the Chief Officer of Police for the area in which the street to be designated is situated.
  - (3) Serve a copy of the Notice on the Environmental Engineering and Transportation Department (Highways Division).
13. As soon as is practicable the Council must consider any representations received in response to the public Notice within the stated 28 days.
14. After consideration of the representations the Council may pass a resolution.
15. Once a resolution has been passed the Council must publish a Notice containing the resolution for two consecutive weeks in a local newspaper. The first publication of this Notice must allow 28 days before the date that the resolution is to come into force.

16. The Council may stipulate that a Street Trading Consent will not be granted to any person who proposes to trade in the street for a number of days in every week less than the number specified in the resolution.
17. Any resolution passed by the Council may be varied or rescinded by following the same procedure as outlined in paragraphs 7 to 13 in this report.

### **Equality Impact**

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

### **Recommendation**

20. That the Committee determine the application for the revision of street trading consent/prohibited streets within the borough of Dudley.

*John Poyellis*

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DIRECTOR OF LAW AND PROPERTY

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### **List of Background Papers**