

Licensing Sub-Committee 3 – 1st November 2016

Report of the Strategic Director Place

Application for Grant of Consent to Engage in Street Trading

Mr Richard Lee Anthony Palethorpe – Halesowen Town Centre.

Purpose of Report

1. To consider the application made by Mr Richard Palethorpe for the grant of a consent to engage in street trading at a site in HighStreet /Hagley Street,Halesowen.

Background

2. On the 23rd June 2016, Mr Palethorpe made application for the grant of a Street Trader's Consent to sell Jacket Potatoes Speciality Tea and Coffee and in the winter months additional Soups, between the hours of 10.30 and 15.00 Monday to Friday inclusive, in High Street Dudley.
3. On the 23rd June 2016, representations were received from the Communication and Public Affairs Office, Visitor Economy and Culture Department, Street and Green Care (Highways) and Building Control (Planning) .
4. Due to the redevelopment of the Market and the limited space available Mr Palethorpe was asked to look at alternative sites within the Borough.
5. On the 7th September 2016, Mr Palethorpe submitted a further site plan for an alternative site in High Street/Hagley Street, Halesowen a copy of that site plan has been forwarded to all interested parties and details of the application posted on the licensing web page.
6. On the 7th September 2016, representations were received from the Halesowen Chamber of Trade and on the 16th September 2016, representations were also received from the Street and Green Care (Highways) Department.
7. A copy of the application form with supporting documentation and site plans along with all representations have been forwarded to Committee Members prior to the hearing.
8. This application falls within the Council's responsibility for licensing which has a direct link to the Council's key corporate priority that safety matters.

Finance

9. There are no financial implications.

Law

10. 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/Hagley Street Halesowen is a consent street designated as such by a resolution of the Council. To trade without such consent is an offence.
11. 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.
12. 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.
13. 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.
14. There is no right of appeal against the Council's decision to vary a condition upon which consent is issued, or refusal to grant or renew a street trader's consent.

Equality Impact

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

Recommendation

17. That the Committee consider Mr Palethorpe's application for the grant of a street trading consent in High Street/ Hagley Street, Halesowen.



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STRATEGIC DIRECTOR PLACE

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List of Background Papers