

Licensing Sub-Committee 4 29th April 2008

Report of the Director of Law and Property

Review of Street Trading Consent/Prohibited Sites

Tansey Green Road, Pensnett

Purpose of Report

- 1 To consider the revision of the consent/prohibited streets in Dudley Borough to include Tansey Green Road as a prohibited street in respect of Street Trading.

Background

2. On the 18 December 2007, Ms Carr made application for the revision of the consent 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. The Director of the Urban Environment made objections which are attached to this report as Appendix 2.
5. The West Midlands Police also made objections, a copy of that report is attached as Appendix 3.
6. Julie Jones, Commercial Operations Manager, Corporate Estates made comments which are attached to this report as Appendix 4.
7. None of the other agencies raised objections.
8. This application was considered by the Licensing Sub-Committee 5 on the 20th February, 2008. The Sub-Committee resolved that the application to designate Tansey Green Road as a consent street be refused.
9. The Sub-Committee further resolved that consideration should be given to designating Tansey Green Road as a "Prohibited Street" in respect of street trading. This was because Tansey Green Road is not suitable for street trading given the previous history of accidents on the road and the need for a speed

camera together with the identified problems of mud on the road. The Committee further stated that the bell mouth is of insufficient size and may be needed for access to the fields when the land is developed in the future.

10. The Committee 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 the publication. A copy of that notice is attached to this report as Appendix 5 and was published in the Express & Star on the 13th March 2008.
11. 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 proposals.
12. This application has a direct link to the Council's key corporate priority that safety matters.

Finance

13. There are no financial implications.

Law

14. 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.
15. 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).
16. As soon as is practicable the Council must consider any representations received in response to the public Notice within the stated 28 days.
17. After consideration of the representations the Council may pass a resolution.

18. 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.
19. 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.
20. Any resolution passed by the Council may be varied or rescinded by following the same procedure as outlined in paragraphs 14 to 20 in this report.

Equality Impact

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

Recommendation

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

John Pyatt

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DIRECTOR OF LAW AND PROPERTY

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List of Background Papers