

**Licensing Sub-Committee 2 – 2<sup>nd</sup> September 2008**

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

**Street Trading Consent**

**Purpose of Report**

1. To consider the application made by Mr. Frank A. Smith to renew his street trading consent to sell hot dogs, burgers, fries, hot and cold drinks and ice cream in Market Place, Dudley; Birmingham Street, Dudley; Upper High Street, Dudley; and Junction of Foster Street/High Street, Stourbridge.

**Background**

2. Mr. F.A. Smith has held a street trader's consent for a number of years, which has subsequently been renewed with the last licence expiring on the 10<sup>th</sup> June, 2008.
3. This consent enables Mr. Smith to sell hot dogs, burgers, fries, hot and cold drinks and ice cream from sites in Dudley and Stourbridge Town Centres.
4. On the 9<sup>th</sup> June, 2000, Mr. Smith made application to renew his consent.
5. The application was circulated to the then Environment, Engineering and Transportation Department, Planning and Leisure Department and Support Services. There were no objections to this application.
6. On the 13<sup>th</sup> June, 2000, a letter of complaint was received from Bernard Neville and Company, which was brought to the attention of the Committee.
7. The then Policy (Licensing) Sub-Committee considered the application on the 5<sup>th</sup> December, 2000 and resolved that the application be granted, that licence was subsequently renewed.
8. On the 11<sup>th</sup> March, 2005, Mr. Smith made application for the variation of his street trading permit in Stourbridge Town Centre. The West Midlands Police made objections to the application.

9. On the 1<sup>st</sup> June, 2005, Mr. Smith made application for the renewal of his street traders permits. These applications were circulated as in paragraph 5 above. None of the agencies raised objections.
10. Various letters of objection were received from local traders in the Stourbridge area.
11. This matter was due to be considered by the Committee on the 19<sup>th</sup> December, 2005. The matter was deferred pending a meeting between Mr. Smith and the West Midlands Police on the 12<sup>th</sup> January, 2006.
12. It was decided following the meeting on the 12<sup>th</sup> January, 2006 that Mr. Smith make application for a temporary street trading consent at an alternative site in High Street, Stourbridge, for a trial period to be set by the Licensing Sub-Committee.
13. On the 9<sup>th</sup> May 2006 the matter to renew/vary Mr Smith's application was considered by the Licensing Sub-Committee where it was resolved that the application be granted for the same times and conditions as the previous consent.
14. This licence has subsequently been renewed and the current licence bears the expiry of the 10<sup>th</sup> June 2008.
15. On the 6<sup>th</sup> June, 2008, Mr. Smith made application for the renewal of his street traders permits. A copy of that application is attached to this report as Appendix 1. This application was circulated to the Directorate of the Urban Environment, Town Centre Manager, Andrea Jones, Corporate Estates, Julie Jones and the West Midlands Police.
16. Objections were received from Alan Radford of Engineering and Transportation Department. A copy of his objection is attached as Appendix 2.
17. Objections were received from Andrea Jones, the Town Centre Manager. A copy of those objections are attached to this report as Appendix 3. None of the other agencies raised objections.
18. 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**

19. There are no financial implications.

### **Law**

20. 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, Market Street, Birmingham Street, Dudley and Foster Street, Stourbridge are consent streets designated as such by a resolution

of the Council. This means that street trading can take place only if the trader has a street trading consent issued by the Council. To trade without such a consent is an offence.

21. 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 trader may trade and the times between which or periods for which he may trade.
22. Paragraph 7(2) of Schedule IV to 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.
23. There is no right of appeal against the Council's decision to vary a condition upon which a consent is issued, or a refusal to grant or renew a street trader's consent.

### **Equality Impact**

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

### **Recommendation**

26. That the Sub-Committee determine Mr Smith's application.

*John Poyellis*

.....  
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**