

Licensing Sub-Committee 3 – 15th January 2013

Report of the Director of Corporate Resources

Street Trading Consent – F A Smith

Purpose of Report

1. To consider the application made by Mr. F A Smith for the renewal and variation of his street trading consent to sell hot dogs, burgers, fries, bacon, sausage, eggs, tomatoes, beans, mushrooms, 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 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 10th June, 2012.
3. This consent enables Mr. Smith to sell hot dogs, burgers, fries, bacon, sausage, eggs, tomatoes, beans, mushrooms, hot and cold drinks and ice cream from sites in Dudley and Stourbridge Town Centres.
4. On the 9th 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 13th June 2000, a letter of complaint was received which was brought to the attention of the Committee.
7. The then Policy (Licensing) Sub-Committee considered the application on the 5th December 2000 and resolved that the application be granted. That licence was subsequently renewed.

8. On the 11th 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 1st 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 19th December 2005. The matter was deferred pending a meeting between Mr Smith and the West Midlands Police on the 12th January 2006.
12. It was decided following the meeting on the 12th 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 9th 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 was subsequently renewed.
15. On the 6th June 2008, Mr Smith made application for the renewal of his street traders permits. This application was circulated to the Directorate of the Urban Environment, Town Centre Manager, Corporate Estates and the West Midlands Police.
16. Objections were received from the Engineering and Transportation Department of the Directorate of the Urban Environment.
17. Objections were also received from Corporate Estates and the Town Centre Manager. None of the other agencies raised objections.
18. This matter was considered by the Sub-Committee on the 2nd September 2008. The Committee resolved that Mr Smith's application be granted.
19. That licence has subsequently been renewed and bears the expiry date of the 10th June 2012.
20. On the 7th June 2012, Mr Smith made application for the renewal and variation of his street trader's consent.
21. Mr Smith's request was for the renewal of three of his existing sites as set out in the application and the relocation of one of his sites (Birmingham Street) back to its original location as set out in street map 2 attached to the application. Mr Smith also requested to sell baked potatoes at that location instead of hot-dogs and burgers. Mr Smith also included with his application a photograph of the unit intended to be used.

22. Mr Smith informed the Licensing Office that should the Committee resolve to refuse his application for the variation of the Birmingham Street site, that it was his intention to surrender the site in Birmingham Street as its current location is too far from pedestrian flows to be worthwhile.
23. A copy of Mr Smith's application along with existing and proposed site plans and photographs has been circulated to Committee Members and interested parties.
24. This application was also circulated as in paragraph 15 above.
25. The Directorate of the Urban Environment (Highways) made comments which have been circulated to the Committee Members and interested parties. None of the other agencies raised any objections.
26. This matter was due to be considered by the Sub-Committee on 28th August 2012. The Committee resolved at the request of the applicant due to ill health that the matter be deferred.
27. On 20th November 2012, Mr Smith's son informed the Licensing office that his father was still in hospital and that he was currently dealing with all his affairs. Mr Smith's son also requested that the matter now be put before the Licensing Committee and that he be permitted to attend in his father's absence.
28. This application falls within the Council's responsibility for licensing as a direct link to the Council's key corporate priority that safety matters.

Finance

29. There are no financial implications.

Law

30. 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 street designated as such by a resolution of the Council. To trade without such a consent is an offence.
31. Where the consent allows the holder to trade from a car, 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.
32. 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.
33. 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

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

Recommendation

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



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers