

Licensing Sub-Committee 5 - 20th June 2006

Report of the Director of Law and Property

Application for Consent to Engage in Street Trading

Purpose of Report

- 1 To consider the application for the grant of a consent to engage in street trading made by Mr Alan Garner and Mrs Christine Garner.

Background

2. On the 10th February 2006, Mr and Mrs Garner made application for the grant of a consent to engage in street trading to sell jacket potatoes with various fillings in Foster Street, Stourbridge.
3. This application was circulated to the West Midlands Police, Directorate of the Urban Environment, Democratic Services, Stourbridge Town Centre Manager and Julie Jones, Commercial Operations Manager, Corporate Estates. A copy of the application and site plan is attached to this report as Appendix 1.
4. The Town Centre Manager raised objections which are attached to this report as Appendix 2.
5. Julie Jones, Commercial Operations Manager of Corporate Estates raised objections, which are attached to this report as Appendix 3.
6. Objections were also received from members of the public, which are attached to this report as Appendix 4.
7. Councillor Margaret Cowell and Councillor June Collins also made objections to the application, which are attached to this report as Appendix 5.
8. Comments were received from the Director of the Urban Environment and are attached to this report as Appendix 6.
9. Comments were also received from the West Midlands Police and are attached to this Report as Appendix 7.

10. This report has a direct link to the Council priority for safety as the principal reason for submission is safeguarding the public.

Proposal

11. That the Committee consider Mr and Mrs Garner's application for grant of a consent to engage in street trading.

Finance

12. There are no financial implications.

Law

13. 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. Foster Street, Stourbridge is a consent streets designated as such by a resolution of the Council. To trade without such a consent is an offence.
14. 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.
15. 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.
16. 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.
17. 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

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 Mr and Mrs Garner's application for the grant of a street trading consent in Foster Street, Stourbridge.

John Poyell

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DIRECTOR OF LAW AND PROPERTY

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List of Background Papers

None