

Licensing and Safety Committee – 12th November 2009

Report of the Interim Director of Law Property & Human Resources

Review of Consent and Prohibited Streets for the purpose of Street Trading

Purpose of Report

1. To review the street trading consent and prohibited streets in the Borough.

Background

2. On the 28th October 1987 the Administration, Property and Legal Committee approved the transition of regulation for Street Trading, from Section 40 of the West Midlands County Council Act 1980 to the Local Government (Miscellaneous Provisions) Act 1982 Part III.
3. In accordance with the regulations the Committee designated consent and prohibited streets throughout the Borough in relation to street trading. The designated streets came into force on the 22nd May 1989. These designations have not been reviewed in their entirety since that date.
4. The prohibited streets in Dudley Wood were designated because of their proximity to the former Cradley Heath Speedway.
5. On the 20th March 1991 the Administration, Property and Legal Committee determined new criteria in respect of street trading consents. All holders of street trading consents were invited to a Committee meeting, on the 29th April 1991, to submit their proposals in line with the new criteria.
6. Following this meeting street trading consents were determined and issued with new terms and conditions to all successful applicants. A list of all current holders of street trading consents together with maps of the locations and sale permissions is attached to this report as appendix 1.
7. On the 31st October 2005, following requests from the Town Centre Managers, the Licensing Sub-Committee approved amendments to the designated consent and prohibited streets as listed below: -

Dudley Town Centre Consent Streets

- Stone Street Square
- Stone Street (High Street to Priory Street)

Brierley Hill Town Centre Consent Streets

- Cottage Street (From High Street to Little Cottage Street)
- Little Cottage Street (From Cottage Street to Mill Street)
- Bell Street (From Moor Street to end)

Stourbridge Town Centre Prohibited Streets

- Crown Centre
 - Smithfields (From Market Street to end)
8. The Licensing and Safety Committee resolved on the 8th April 2008 that Stockwell Avenue Quarry Bank be designated as a prohibited street.
 9. The Licensing and Safety Committee resolved on the 29th April 2008, that Tansey Green Road Pensnett, should be designated a prohibited street.
 10. The current list of consent and prohibited streets has been circulated to Town Centre Managers, Development Control, West Midlands Police, Highways, Curatorial and Commercial Manager and Environmental Health for comments.
 11. The above Agencies are content with the current designated streets.

Finance

12. All street trading consent holders pay a fee to the Council. There could be financial implications to the Council if there were substantial alterations to the consent and prohibited streets.

Law

13. 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 consent street,
 for the purposes of street trading.
14. 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 Environmental Engineering and Transportation Department (Highways Division).
- 3) Serve a copy of the Notice on the Chief Officer of Police for the area in which the street to be designated is situated.
15. As soon as is practicable the Council must consider any representations received in response to the public Notice within the stated 28 dates.
16. After consideration of the representations the Council may pass a resolution.
17. 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.
18. 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.
19. Any resolution passed by the Council may be varied or rescinded by following the same procedure as outlined in paragraphs 15 to 21 of 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 review the current streets in the borough designated consent and prohibited streets.

A handwritten signature in black ink, appearing to be 'P. J. Elliott', written in a cursive style.

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INTERIM DIRECTOR OF LAW, PROPERTY AND HUMAN RESOURCES

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List of Background Papers